This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`

STANFORD·VNIVERSITY·LIBRARY

Hopkins
ST
ry

HE 2709
K 37

TWENTY-SIXTH ANNUAL REPORT

—— OF THE ——

Railroad Commission

—— OF ——

KENTUCKY

FOR THE YEAR 1905.

Property of the State of Kentucky.

LOUISVILLE:
GEO. G. FETTER COMPANY.
1905.

RAILROAD COMMISSION.

C. C. McCHORD, Chairman, SPRINGFIELD, KY.
A. T. SILER, WILLIAMSBURG, KY.
McD. FERGUSON, LaCENTRE, KY.

MOSES R. GLENN, Secretary, FRANKFORT, KY.

RAILROAD COMMISSIONERS OF KENTUCKY.

HENRY D. McHENRY, August 2, 1878, Chairman.
LUCIUS DESHA, August 2, 1878.
W. H. PETTUS, August 2, 1878.
L. D. HOLLOWAY, August 2, 1878, Secretary.

J. FLETCHER JOHNSTON, September 1, 1880, Chairman.
C. H. ROCHESTER, September 1, 1880.
C. E. KINCAID, September 1, 1880.
LANSING BURROWS, September 1, 1880, Secretary.

D. HOWARD SMITH, 1882, Chairman.
WILLIS B. MACHEN, 1882.
WILLIAM M. BECKNER, 1882.
HENRY T. STANTON, 1882, Secretary.

J. P. THOMPSON, 1884, Chairman.
JOHN D. YOUNG, 1884.
A. R. BOONE, 1884. (Died January 27, 1886.)
I. A. SPAULDING, May, 1886. (Appointed to fill unexpired term of A. R. Boone, deceased.)
CLARENCE EGBERT, 1884, Secretary.

I. A. SPAULDING, May, 1888, Chairman.
W. B. FLEMING, May, 1888.
JOHN F. HAGER, May 1888. (Resigned.)
GEORGE M. ADAMS, 1891. (Appointed to fill unexpired term of John F. Hager, resigned.)
WM. F. GRIFFITH, Secretary.

C. C. McCHORD, May 24, 1892, Chairman. (Resigned.)
UREY WOODSON, May 24, 1892.
CHARLES B. POYNTZ, May 24, 1892.
JAMES N. SAUNDERS. (Appointed to fill unexpired term of C. C. McCHORD, resigned.)
D. C. HARDIN, May 24, 1892, Secretary.

JOHN C. WOOD, December 10, 1895, Chairman.
H. S. IRWIN, December 10, 1895.
J. F. DEMPSEY, December 10, 1895.
S. D. BROWN, December 10, 1895, Secretary.

C. C. McCHORD, December 12, 1899, Chairman.
JOHN C. WOOD, December 12, 1899.
J. F. DEMPSEY, December 12, 1899.
MURRAY R. HUBBARD, February, 1900, Secretary.

C. C. McCHORD, December 8, 1903, Chairman.
McD. FERGUSON, December 8, 1903.
A. T. SILER, December 8, 1903.
MOSES R. GLENN, December 8, 1903, Secretary.

TWENTY-SIXTH ANNUAL REPORT

OF THE

RAILROAD COMMISSION.

Frankfort, Ky., December 1, 1905.

To the Hon. J. C. W. Beckham, Governor of Kentucky:

In submitting for your consideration this the twenty-sixth annual report of the Railroad Commission, we deem it our duty to call your attention to the necessity, on account of the very large increase in the duties of this office, for an adequate appropriation by the General Assembly for additional clerical force as well as an increase in the salaries of the Commission and its secretary. While it is true that an increase of salary by this General Assembly can not inure to the benefit of the present Commission, yet we who are now engaged in the discharge of the very important duties of this office appreciate the fact that the salary of $2,000 per annum is wholly inadequate and not commensurate with the duties and responsibilities of the office. We feel that there is no department of the State's government the duties of which are more important, and when intelligently and conscientiously discharged, of more value to all the people of the State.

When this office was first created by the Legislature in 1880, the salary fixed at $2,000, and a secretary provided at a salary of $1,200 per annum, the principal duty imposed upon the Commission was that of assessing for taxation the property of the railroads of the State. Prior to that time this property had been assessed by the State Board of Equalization. To illustrate the increase in value of this property: It may be noted that the last assessment made by the State Board of Equalization fixed the value of all railroad property in the State at $15,304,296, while to-day the valuation placed by this Commission upon the total mileage and all the property of the railroads is $61,149,924. This does not include the franchise assessment fixed by the State Franchise Board.

It is, of course, well known that since the creation of this office by statute in 1880 it has been made a constitutional body and vested with vastly enlarged powers and the duty of exercising a general supervision over the railroads of the State, and especially with the power and duty of revising the tariffs and fixing the rates when found to be extortionate. There is hardly a phase of the transportation business affecting either the traveling or shipping public that does not now come within the supervision of this board. The work has grown to such an extent as to require practically the entire time of the Commission. It it required that we look after the tariffs, rates and transportation business generally of all the railroads of the State, aggregating 3,374 miles; hear and determine complaints regarding rates, depots, safety crossings, and transportation facilities generally. Each road has its separate tariffs, in which from seven to nine thousand commodities are rated and classified. There are perhaps 1,500 shipping points in the State to and from which rates are made. In addition, the law requires that this Commission keep itself advised in regard to all interstate rates and institute proceedings before the Interstate Commerce Commission for the correction of all unjust rates from all points outside the State to and from all points within the State. The legal and transportation problems often involved are extremely intricate; we must be careful and keep ourselves advised as to these legal and transportation questions in order that no injustice be done to either the shippers or the railroads.

The Legislatures of other States having railroad commissions are in advance of Kentucky in recognizing the importance of this office and the necessity for providing adequate clerical force and salaries to the commissioners. We believe the time has come when the attention of the General Assembly of Kentucky should be called to this matter, and we feel confident that when the situation is fully understood the relief which this office so much needs will be granted in order that its duties may be properly performed.

In Appendix "A" of this report will be found a synopsis of the work of this Commission during the past two years, to which, in compliance with section 824 of the Kentucky Statutes, we invite your attention as well as that of the General Assembly. This Commission is now, and has for some time past been, en-

gaged in the investigation of all rates upon all railroads to and from all points within the State.

While the law prohibits the members of the Railroad Commission from accepting free transportation at the hands of the railroads, we believe it is within the power of the General Assembly of the Commonwealth to require these corporations to pay or provide for the transportation of the Railroad Commissioners over their respective lines, when in the discharge of their duties, thus relieving the State of this expense. The enactment of such a law and the use by the Commission of transportation furnished in obedience to this law, would not place the Commission under any obligation whatever to the railroads. It is important to the shippers of the State that every facility be given the Commission for visiting the various sections of the State for the purpose of investigating and hearing the complaints of shippers. The shipper can not afford to incur the expense of going to the office of the Commission at Frankfort. It costs the representatives of the railroads nothing to go to the point from which complaints are made, and we believe it to be only just and fair that these corporations be required to furnish to the Commonwealth, for the use of the Railroad Commission, transportation over their various lines.

MILEAGE.

The total mileage within the State as shown by our last report was 3,270 miles, which included the total mileage of all steam and interurban railroads. At the close of the fiscal year ended June 30, 1905, the total mileage within the State had increased to 3,374 miles. We are glad to be able to report that in addition to this increase of 104 miles of road during the past year, there are many new lines and extensions now under construction and in contemplation, especially in eastern and western Kentucky.

The physical condition of the railroads of the State is being constantly bettered; the road-bed is being improved, new and modern rolling stock—both freight and passenger—is being acquired, and the service in almost every instance is being improved.

EARNINGS.

The reports of the railroads show an increase of both gross and net earnings over that of the previous year. The total gross receipts as shown by our last annual report were $33,047,652, while the total gross receipts for the year 1905 have increased to $34,856,447. The total net receipts for the year 1904 were $9,552,263. The total net receipts for the year 1905 were $9,754,957. The average gross receipts per mile for the year 1905 were $10,330, and the average net receipts per mile were $2,891.

ASSESSMENTS.

The total valuation of the tangible property of all railroad and railroad bridge companies for the year 1905 has been fixed by this board at $61,149,224. The total valuation for the year 1904 was $54,184,031. This increase in valuation has been occasioned by increased mileage, the acquisition of additional real estate, the construction of machine shops, and other similar improvements, and also on account of the assessment of bridges spanning the Ohio river, some of which were not formerly assessed by this board.

The Commission regrets that on account of the time consumed in the investigation of the large number of complaints as to rates, depots, grade crossings, and other matters of equal importance, it has been impossible to make a thorough inspection of all the railroads of the State. This inspection we deem extremely important to enable the Commission to familiarize itself not only with the physical property of the railroads of the State, but with the conditions existing at the various shipping points with reference to rates and the facilities for conducting transportation to and from these various shipping points. During the year 1906 a thorough inspection is contemplated.

MISCELLANEOUS TABLES.

Mileage 1905	3,374
Gross Receipts, 1904	$33,047,652
Gross Receipts, 1905	34,856,447
Net Receipts, 1904	9,552,263
Net Receipts, 1905	9,754,957
Valuation Mileage, 1904	50,784,011
Valuation Other Property, 1904	3,397,020
Total Valuation, 1904	54,181,031
Valuation Mileage, 1905	55,999,546
Valuation Other Property, 1905	5,150,378
Total Valuation, 1905	61,149,924
Employes Killed, 1905	67
Employes Injured, 1905	1,031
Passengers and Others Killed, 1905	132
Passengers and Others Injured, 1905	263

ACCIDENTS.

Accidents upon railroads are not all justly attributable to neglect of employes. In many instances the management is at fault. It has been found that a great many of the worst wrecks and accidents upon railroads have resulted from the excessive number of hours per day employes are required to work.

In our last annual report we called attention to the alarming increase in the number of accidents to employes and passengers upon the railroads, not only in Kentucky, but throughout the United States. We recommended then, and we now renew that recommendation with emphasis, that one of the greatest factors in guarding against this wholesale slaughter of passengers and employes, with which all railroads should be required to equip their lines, is the block signal system. It was therein explained that this block signal system was not only the acme of simplicity, but that it embodied the theory that no train shall ever be started from a point on any main line track until it is known that such track is clear of all other trains up to a certain point beyond. In other words, a space interval must always be maintained between trains and no dependence placed on the maintenance of time intervals at stations.

This block signal cures faults due to mistakes in reading time, failures of timepieces, miscalculations of speed, or neglect of employes, and numberless other faults familiar to those who read collision records. As to the cost of this system, we reiterate what we said in our last annual report: "It will not do to say that these devices are expensive, for the life of one human being, whether he be passenger or employe, is more valuable than the sum total of the cost of erecting and maintaining these safety devices."

In view of the vast increase in the volume of business and the increased earnings of the railroads, they should be required to use every safety device that has been tested and found to be instrumental in minimizing accidents in the operation of trains.

For the fiscal year ended June 30, 1903, it was ascertained that these railroads had killed or injured 86,393 persons; for the fiscal year ended June 30, 1904, it was ascertained that the number had increased to 94,201 persons killed or injured; for the fiscal year ended June 30, 1904, there were killed or injured by the railroads in Kentucky 1,473 persons, and for the fiscal year ended June 30, 1905, there were 1,493 persons killed or injured by the railroads in this State.

COMPLAINTS.

The Commission has been almost constantly engaged in the investigation of the large number of complaints that have been filed during the past year. A synopsis of these complaints, and the steps taken therein, will be found in Appendix "A." In addition to these complaints, the Commission has now under investigation a number of complaints wherein the rates on all railroads upon all commodities to and from all points in the State are alleged to be extortionate, unjust and unreasonable. On account of the very great importance of these latter complaints to all the people of the State, the Commission felt that it needed the services of the Attorney General as the representative of the Commonwealth, especially in view of the fact that all railroads in the State were represented by their counsel. The Attorney General was called upon, and we were advised by him that on account of the vast accumulation of official business

in his office he was unable to give the cases the attention they would require. However, recognizing the importance of the investigation, he recommended to you the employment of counsel to represent the Commonwealth in all these matters, and Judge William Lindsay and Col. Bennett H. Young, the special counsel employed by you, have represented, and are still representing, the Commonwealth in these cases with fidelity and zeal. In view of the decisions of the Supreme Court of the United States and the rules there laid down governing the determination by State commissions of the reasonableness of rates, the Commission found it necessary to call upon the railroads for a large mass of data and information which has never heretofore been furnished. We have found their systems of bookkeeping and reports furnished by their various station agents, and the data compiled in their offices from these reports, to be somewhat complicated, and with our limited clerical force the Commission has been very greatly hampered in ferreting out this information. However, we are doing the best we can under the circumstances and hope to be able to arrive at the truth in all these matters and to render such decisions as may be just and fair to all the shippers of the State as well as to the railroads.

In Appendix "A" will be found a synopsis of the principal complaints and the disposition of each.

In Appendix "B" will be found the articles of incorporation filed by the various new steam and interurban railroads during the past year.

In Appendix "C" will be found the petitions filed before the Interstate Commerce Commission.

In Appendix "D" will be found the Table of Comparative Rates on Local Mileage Scale Basis, compiled by this board, and

In Appendix "E" will be found the provision of the Constitution and statute bearing upon the duties and powers of this board.

All of which is respectfully submitted.

C. C. McCHORD,
A. T. SILER,
McD. FERGUSON,
Commissioners.

Appendix "A"

SYNOPSIS OF

COMPLAINTS, ORDERS, STEPS AND RULINGS

OF THE

COMMISSION

From December 1, 1903, to December 1, 1905.

Rules to Govern Mode of Bringing Complaints and Matters for Investigation before the Railroad Commission of Kentucky.

1. All complaints and applications to have hearings before the Railroad Commission upon any question arising under the law creating and defining the duties of said Commission shall be in writing, and may be either in the form of a letter or petition addressed to the Commission or any member thereof.

2. Such complaint shall contain a brief statement of the subject-matter of complaint or application, and be signed by complainants or applicants, or by their attorney, but technical pleading will not be required. It must be delivered to the secretary or to any member of the Commission by the complainant or applicant, his agent or attorney, or it may be sent to the Commission through the mails.

3. When such complaint or application shall be made, the secretary shall file the same by placing his file mark thereon with the proper number and enter the same on the docket.

4. Before causing notice to be issued to the carrier or other party complained of as provided by law, the Commission may notify the party against whom complaint is made of the nature of such complaint and the party making the same, in order that the cause of the complaint may be removed or remedied without incurring the expense of a formal trial or hearing before the Commission. When notice shall be issued to such party to appear before the Commission at the place and time named in the notice to answer such complaint, the party so notified shall file answer and at least one copy thereof with the secretary of the Commission, not later than five days before the time so fixed, and the secretary shall at once forward said copy to complainant.

5. The secretary of the Commission will, when a complaint or complaints have been filed, make full copies of same for use

of each member of the Commission and of the party complained of.

6. In entering the complaint upon the docket and in the answer thereto, the party making complaint shall be designated "plaintiff" and the party against whom complaint is made shall be designated "defendant." If the application be "ex parte," the case shall be so styled, with the name of the applicant.

7. The party or parties to any complaint or application and party complained of may appear before the Commission in person or by counsel.

8. Any member of the Commission will issue subpoenas for the attendance of witnesses whose testimony either party may desire at any investigation.

9. These rules shall be printed and copies thereof furnished to all applicants.

[Effective April 12, 1905.]

SYNOPSIS OF COMPLAINTS AND STEPS.

The following complaints have been filed and steps taken therein as herein indicated:

THE NORMAN LUMBER CO. AND OTHERS, LOUISVILLE, KY., *Complainants,*

vs.

THE LOUISVILLE & NASHVILLE RAILROAD CO. AND OTHERS, *Defendants.*

Subject: Extortionate rates charged by all railroads to and from all points in Kentucky for the transportation of lumber, logs and cross-ties, and an unreasonable differential against woods of value.

Upon motion of the complainants, the Commission was asked to hear and determine three questions in advance of the hearing of this and other complaints involving the reasonableness of all freight rates, to-wit:

First.—The reasonableness of the rates upon cross-ties.

Second.—Whether a differential shall be allowed in favor of oak, poplar and other so-called low grades of logs and lumber as against walnut, cherry and cedar logs and lumber, which are denominated woods of value and whether there should be a differential allowed in favor of lumber as against logs.

Third.—Whether the railroads should be allowed to charge for the transportation of stakes or standards furnished by the shippers in the equipment of flat-cars for the transportation of logs and lumber.

The Commission heard and considered the evidence adduced by the parties upon these three propositions, and after full argument by counsel for complainants and defendants, rendered an opinion, which is published in full in the latter part of this appendix, and entered the following order in reference thereto, to-wit:

"It is therefore ordered that the Louisville & Nashville Railroad Company, Illinois Central Railway Company, Cincinnati, New Orleans & Texas Pacific Railway Company, Chesapeake & Ohio Railway Company, Lexington & Eastern Railway Com, pany, Southern Railway Company in Kentucky, Louisville, Henderson & St. Louis Railway Company, and Louisville & Atlantic Railroad Company, and each of them, shall so revise their tariffs, classifications, rules and regulations as to (1) make their rates on walnut, cherry and cedar lumber no higher than the rates now shown by their published tariffs on oak, poplar and other grades of lumber, and that their rates on walnut, cherry and cedar logs be no higher than the rates now shown by their published tariffs on oak, poplar and other grades of logs, and that said log rate be no more than 70 per cent. of their lumber rate so fixed herein; (2) make their rates on cross-ties no higher than their rates on lumber as fixed herein, and (3) make no charge for the transportation of stakes or standards used in equipping their flat-cars for the transportation of logs and lumber. It is also ordered that each and all of said railroad companies shall charge, collect and receive no higher rates for the transportation of the aforesaid commodities than the rates fixed herein, and all rates in excess thereof are declared to be extortionate, unjust and unreasonable. All tariffs, classifications, rules and regulations in conflict herewith are hereby condemned. All other questions herein are reserved for future determination, and the Commission expressly reserves the power to revise, alter or amend the rates herein fixed, or to revoke, modify, or extend this order, when deemed just and proper. It is further ordered that this opinion and order shall be entered upon the record book of the Commission at its office in Frankfort, and an attested copy thereof furnished by registered mail to an officer, agent, or employe of each of the above-named railroad companies, and to said complainants, which has been done."

J. CAP. MORTON AND OTHERS, RUSSELLVILLE, Ky., *Complainants.*

vs.

LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Subject: Extortionate rates for the transportation of coal to and from all points on the Owensboro & Nashville Division.

Pursuant to notice two meetings of the Commission were held at Russellville, Ky., and all testimony offered by the parties was heard, and after full argument by counsel the Commission made and entered the following order, to-wit:

"It is therefore ordered, that the defendant, the Louisville & Nashville Railroad Company shall not charge, collect or receive compensation in excess of the following rates, which are hereby made asd fixed by this Commission as just and reasonable rates, toll or compensation for the transportation by said defendant of coal per ton of 2,000 pounds, car-load lots from and to said points, to-wit: From Island, Central City, Bevier, Drakesboro and Mud River to Dunmor 60 cents per ton; Diamond Springs, Wolf Lick, Crow Hickman, and Lewisburg, 70 cents per ton; Pettit, Sutherland, Edwards and Epleys, 80 cents per ton; Russellville, 80 cents per ton; Red Oak, Red River and Adairville, 90 cents per ton."

CITIZENS OF UNION COUNTY, *Complainants.*

vs.

ILLINOIS CENTRAL RAILROAD CO. AND NASHVILLE, CHATTANOOGA & ST. LOUIS RAILWAY CO. *Defendants.*

Subject: Extortionate grain rates to Atlanta, Ga., and other southeastern points.

The rates complained of being wholly interstate, the Commission, of course, had no power to fix the rates. However, its duty being to hear and to prosecute such complaints before the Interstate Commerce Commission where it is found that interstate rates are unjust and unreasonable, the Commission visited Morganfield and fully heard and determined the questions raised by this complaint. A copy of the opinion and order of the Commission will be found in the latter part of this appendix.

The defendant, the Illinois Central Railroad Company, having failed to comply with the order of the Commission directing it to reduce its rates, a petition was filed by the Commission before the Interstate Commerce Commission, which will be found in Appendix "C." Shortly thereafter the defendant, the Illinois Central Railroad Company, reduced its rates in conformity with the order of this Commission and thereupon the petition

to the Interstate Commerce Commission was dismissed settled.

A recent communication from the attorney for the shippers of Union county states: "As a result of these proceedings there has been saved to the grain-producers of Union county annually 2½ cents per bushel on 500,000 bushels of wheat, and 3 cents per bushel on 250,000 bushels of grain," aggregating $20,000 per annum.

CITIZENS OF SHELBY COUNTY, *Complainants,*

vs.

SOUTHERN RAILWAY COMPANY IN KENTUCKY AND OTHER RAILROADS AND THE SOUTHERN AND ADAMS EXPRESS COMPANIES, *Defendants.*

Subject: Extortionate freight rates on all commodities to and from Shelbyville charged by defendant railroads and a violation of the long and short haul section of the Constitution and of the statutes, by the Southern and Adams express companies in the transportation of all packages to and from Shelbyville.

After full notice to all parties, a meeting of the Commission was held at Shelbyville, and upon calling the complaint for hearing, the attorney for complainants moved a dismissal without prejudice to future proceedings of all that part of the complaint applying to the defendant railroads, and requested that only that part relating to defendant express companies be heard and determined. Thereupon the Commission heard all the evidence adduced by the parties and the argument of counsel bearing upon the complaint against the said express companies, and rendered an opinion, which will be found in full in this appendix. The defendants, the Southern and Adams express companies, were ordered to cease charging the one-cent extra rate upon each package to and from Shelbyville, and upon their refusal to comply with the Commission's order, a recommendation was filed in the Shelby Circuit Court that indictments be returned for each and every such charge. When court convened the Commission was notified that the defendant express companies had reconsidered its determination and would no longer make

said charge, and the Commission was requested by complainants and the city authorities of Shelbyville to withdraw its recommendation, which was accordingly done.

THE OLD VIRGINIA OIL CO., SOMERSET, KY., *Complainants,*
vs.
CINCINNATI, NEW ORLEANS & TEXAS PACIFIC RAILWAY CO., *Defendant.*

Subject: Extortionate rate and overcharge of $28 on a carload of oil machinery from Akron, Ohio, to Burnside, Ky.

It was found upon investigation that this complaint was well taken, and that an overcharge of $28 had been made by defendant against complainant. When the attention of defendant was called to the overcharge, the error was conceded and the amount promptly refunded to complainants; thereupon, this complaint was dismissed settled.

COMMERCIAL CLUB OF MORGANFIELD, *Complainants,*
vs.
ILLINOIS CENTRAL RAILROAD CO., *Defendant.*

Subject: Inadequate depot facilities.

This complaint was investigated and defendant company ordered to erect an additional waiting room, and to place water-closets in all the waiting rooms of this depot and to make other designated improvements, all of which has been accordingly done, and this complaint is dismissed settled.

CHITTENDEN & WHITEHOUSE, MARION, KY., *Complainants,*
vs.
ILLINOIS CENTRAL RAILROAD CO., *Defendant.*

Subject: Extortionate rates on all commodities to and from Marion, Ky.

At the request of complainants, due notice was given to defendant and a date fixed for hearing this complaint at Marion, Ky., and all parties duly notified. The Commission was after-

wards advised by complainants that the Commercial Club of Marion had requested a postponement of this hearing, they having received assurances from a representative of the defendant that all rates to and from Marion would be revised in conformity with the demands of this complaint, and that of the said Commercial Club. Complying with this request, this investigation was indefinitely postponed by the Commission and the complainants were notified to advise the Commission of such ad justment of rates as might be made. Complainants have, so far, failed to respond to this request, and this complaint is therefore continued for future investigation.

GREEN & KING, SOLDIER, KY., *Complainants*

vs.

ASHLAND COAL & IRON RAILROAD CO., *Defendant.*

Subject: Overcharge on a car of coal from Kilgore to Soldier, Ky.

This complaint was fully investigated, found to be well taken and defendant ordered to refund the overcharge, which was accordingly done, and this complaint is dismissed settled.

CITIZENS OF SULLIVAN, KY., *Complainants,*

vs.

ILLINOIS CENTRAL RAILROAD CO., *Defendant.*

Subject: Inadequacy of passenger depot.

A member of the Commission visited Sullivan and inspected this depot and found that the accommodation was insufficient for the traveling public. The defendant company was notified to make certain improvements deemed necessary by the Commission, which have been made, and this complaint is dismissed settled.

J. G. MASON, ADAIRVILLE, KY., *Complainant,*
vs.
LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Subject: Extortionate coal rates.

This complaint was fully investigated and the Commission determined that the rate of $1.20 per ton for the transportation of coal from all mines on the Owensboro & Nashville Division to Adairville was extortionate, unjust and unreasonable, and it was therefore reduced, and said company ordered to charge, collect and receive a rate to and from said points no higher than 90 cents per ton. An order was entered accordingly, and a copy thereof mailed to the proper official of the defendant, the Louisville & Nashville Railroad Company.

FRANK S. COOK & CO., LOUISVILLE, KY., *Complainants,*
vs.
LOUISVILLE & NASHVILLE RAILROAD, ETC. *Defendants.*

Subject: Discrimination and extortionate rates on lumber.

This complaint was consolidated with that of the Norman Lumber Company and Others, and has been tried in part as shown in order entered in said complaint of the Norman Lumber Company and Others, and is continued as to other questions herein.

CITIZENS OF SPRINGFIELD, KY., *Complainants,*
vs.
LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Subject: Extortionate passenger rates to and from points between Bardstown and Springfield, Ky.

An investigation of this complaint showed that the defendant, on its line to and from all points between Bardstown and Springfield, charged for the transportation of passengers four cents per mile. The Commission determined that said rate was extortionate and defendant company was requested to reduce said passenger rate to three cents per mile, which was accordingly done, and this complaint is dismissed settled.

ECKERT & WILSON ICE CO., HENDERSON, KY., *Complainants,*
vs.
LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Subject: Extortionate rates for the transportation of ice from Henderson to points south on the Henderson Division of defendant's road.

This complaint was fully investigated and the rate in question was found to be extortionate and defendant was so notified and at once revised its tariffs in conformity with the demand of complaints, and this complaint is dismissed settled.

M. T. LIKENS, HARTFORD, KY., *Complainant,*
vs.
ILLINOIS CENTRAL RAILROAD CO., *Defendant.*

Subject: Discrimination and extortionate rates from Louisville, Ky., and Evansville, Ind., to Hartford, Ky., and claim for reparation.

This complaint alleged that complainant was charged, for the transportation of a number of commodities, a rate in excess of that charged other shippers at Hartford, Ky. Complainant petitioned the Commission to investigate and to award him the amount in excess of the regular rate. Notice was given to the defendant company, and to complainant that the Commission would visit Hartford for the purpose of hearing and determining this complaint. Before the date fixed for the hearing, a communication was received by the Commission from complainant acknowledging the payment to him of the full amount of his claim, and requesting that his complaint be dismissed settled, which was done.

J. T. S. BROWN & SONS, LOUISVILLE, KY., *Complainants,*
vs.
SOUTHERN RAILWAY IN KENTUCKY *Defendant.*

Subject: Extortionate rates on grain in carload lots between Louisville and McBrayer, Ky.

It was found upon investigation that defendant had increased its rate on grain from Louisville to McBrayer, Ky., five cents

per hundred pounds, and also to other points upon its line between Louisville and Harrodsburg, Ky. While this complaint was being investigated defendant company reduced its rate from ten cents to five cents per hundred pounds to and from the points indicated, and on motion of the complainants this complaint is dismissed settled.

THE ADKINS COAL CO., MT. STERLING, KY. *Complainants,*
vs.
CHESAPEAKE & OHIO AND ASHLAND COAL & IRON RAILWAY COMPANIES, *Defendants.*

Subject: Extortionate rates for the transportation of coal from all points on the line of defendant Ashland Coal & Iron Railway Company to points on the Maysville, Big Sandy and Lexington Divisions of the Chesapeake & Ohio Railway.

A thorough investigation of this complaint was made and revealed the fact that the rates charged by these two companies were prohibitive. It was found that the output of the mines on the Ashland Coal & Iron Railroad was in the neighborhood of 500 tons per day. The Commission determined that there should be a reduction for the transportation of coal from all these mines to the points above referred to and elsewhere upon the lines of the Chesapeake & Ohio Railway Company of thirty cents per ton, and it was so ordered. The order of the Commission is as follows:

"It is therefore ordered, that for the transportation of all coal from mines between Ashland, Ky., and Denton, Ky., to the following named points—all in the State of Kentucky—there shall not be charged, collected, or received by said two railway companies jointly, or by either of them separately, for the transportation of such coal, rates in excess of the following, to-wit:

"Goodale, Leon, Aden, Grahn, Corey, Mountain Top, Highland, Olive Hill, Parks, Limestone, Berry, Tygart, Lawton Junction, Enterprise, Shay, Hayward, Soldier, and Haldeman, fifty (50) cents per ton.

"Gates, Rodbourn, Wheatleys, Morehead, Bradys, Bronson, Bailey, Rockville, Freestone, Van Antwerp, Lacy, Farmer, eighty (80) cents per ton.

"Licking, Midland, Camp, Salt Lick, Olympia, Preston, Stepstone, Ewington, Mt. Sterling, Thompson, Hedges, L. & E. Junction, Winchester, Quisenberry, Nelson, Colby, Tebbs, Pine Grove, Chilesburg, Brighton, Sharon, Netherland, Lexington and Louisville, one dollar and ten cents ($1.10) per ton of 2,000 pounds.

"The Commission reserves the power to alter, change, or modify this order, and the secretary of the Commission is directed to mail attested copy of this order to an officer, agent or employe of said Chesapeake & Ohio Railway Company and said Ashland Coal & Iron Railway Company, and to the complainants, the Adkins Coal Company; and this order shall be entered in full upon the record book of said Commission, and at the expiration of ten (10) days thereafter be in full force and effect. And should either or both of said railway companies, or any officer, agent or employe of either or both thereafter charge, collect or receive a greater or higher rate, toll or compensation for the transportation of coal to and from said points than that fixed by this order, the chairman of this Commission is directed to file a copy or copies of this order in a court and before a grand jury having jurisdiction of the offense to the end that indictments may be returned and prosecutions had thereunder."

THE COMMERCIAL CLUB OF ASHLAND, KY., *Complainant,*

vs.

THE CHESAPEAKE & OHIO RAILWAY CO., *Defendant.*

Subject: Insufficient freight depot accommodation.

It was found upon investigation of this complaint that the traffic had increased to such an extent at Ashland as to require a new and modern freight depot. Defendant company was so notified, plans were drawn, additional ground purchased at a cost of about $50,000, upon which a modern and commodious freight depot is now being constructed, and when completed will, in the opinion of the Commission, meet the demands of the shipping public at that place.

THE ADKINS COAL CO. AND OTHERS, ASHLAND, KY., *Complainants*

vs.

CHESAPEAKE & OHIO AND ASHLAND COAL & IRON RAILWAY COMPANIES, *Defendants.*

Subject: Failure of defendants to obey the order of the Commission heretofore entered.

Each of the defendants was notified to appear before the Commission and answer this complaint. It was found upon investigation that defendants were obeying the order of the Commission in the transportation of coal from mines upon the Ashland Coal & Iron Railway Company's line to Lexington, Ky., and intermediate points, they claiming that the order did not extend to the Maysville and Big Sandy Division. Thereupon the following amended order was entered:

"It is now therefore ordered, that said former order be extended, and that said Ashland Coal & Iron Railway Company and said Chesapeake & Ohio Railway Company, either separately or jointly, shall not charge, collect or receive for the transportation of coal from Denton and Ashland, and intermediate points, rates in excess of the following per ton of 2,000 pounds, to the points indicated as follows, to-wit: To Hampton, Catlettsburg, Mitchell, Chaffee, Clyffeside, Herman and Norton, lump and nut coal, fifty cents per ton; run of mine, pea and nut and slack coal, forty cents per ton; to Russell, nut and lump coal, sixty cents per ton; run of mine, pea, nut and slack coal, fifty cents per ton. To Wurtland, Riverton, Greenup, Gray's Branch, Edgington, Lineville, Siloam, Frost, Taylor, Fullerton and South Portsmouth lump and nut coal, seventy cents; run of mine, pea, nut and slack, sixty-five cents per ton. To Fire Brick, Glenn, St. Paul, Quincy, Howland, Lloyd, Garrison, Buena Vista, Vanceburg, Carrs, Concord, Manchester, Springdale, Maysville, Brashears and South Ripley, lump and nut coal, seventy-five cents; run of mine, pea, nut and slack coal, seventy-five cents. To Dover, Augusta, Wellsburg, Bradford, Willow Grove, Foster, Corntown, Moscow, De Moss, Mentor, California, New Richmond, Oneonta, Ross, Melbourn, Brent, Fort Thomas, Water Works, Dayton, Bellevue, Newport, K. C. Junction, Covington,

lump and nut coal, eighty cents per ton; run of mine, pea, nut and slack coal, seventy-five cents per ton. All of said points being in the State of Kentucky. The Commission is further of the opinion that neither of said carriers, either jointly or separately, should be permitted to charge thirty cents additional local rate per ton on coal applying on Ashland Coal & Iron Railway Company upon interstate shipments, and should said carriers or either of them continue to charge said additional rate this board will appeal to the Interstate Commerce Commission for relief against said excessive rate. The secretary of the Commission is directed to mail an attested copy of this order to an officer, or agent of the Chesapeake & Ohio Railway Company and also of the Ashland Coal & Iron Railway Company, and to complainants, the Adkins Coal Company, and the Carpenter Electric Light & Power Company."

THE CHESAPEAKE & OHIO RAILWAY CO., *Complainant,*

vs.

THE ASHLAND COAL & IRON RAILWAY CO., *Defendant.*

Subject: Petition for division of joint rate.

The question of division of the joint rate for the transportation of coal from mines upon the Ashland Coal & Iron Railroad was submitted to the Commission, and after a full hearing, the following order was made and entered.

"The Commission is now of the opinion, and so orders, that the through rates for the transportation of coal from all mines upon the line of the Ashland Coal & Iron road be apportioned between the Ashland Coal & Iron and the Chesapeake & Ohio railway companies upon the following basis, viz.:

"The Chesapeake & Ohio Railway Company will allow the Ashland Coal & Iron Railway Company its mileage haul, plus two dollars and a half ($2.50) per car, on all coal going to the Lexington and Cincinnati districts, via Denton and Ashland, respectively—the divisions to remain as they are on coal going to the Huntington district—as per tariff F-3302 and division sheet No. 1, the $2.50 not to be allowed on coal going to the said Huntington district. It is further ordered that the coal

billed on the agents at Denton and Ashland from and including October 10, 1905, shall be settled for on the above basis."

THE CARPENTER ELECTRIC LIGHT & POWER CO., CATLETTSBURG, KY., *Complainants,*

vs.

THE CHESAPEAKE & OHIO RAILWAY CO., *Defendant.*

Subject: Extortionate rates on coal from Ashland to Catlettsburg, Ky.

For the convenience of all parties the Commission gave notice to the complainants and defendant that it would meet at Ashland for the purpose of hearing and determining this and other complaints. At the appointed time the Commission convened at Ashland and heard a number of other complaints, but complainant did not appear nor was it represented at the meeting. The Commission, however, in the adjustment of other complaints, made a reduction in the rate on coal, affecting shipments to Catlettsburg, which is fully set out in the order entered in the complaint of the Adkins Coal Company versus this defendant.

The Louisville & Atlantic Railroad Company on petition for exoneration from the provisions of the long and short haul section of the Constitution and statutes, to Louisville, Ky.

The conditions referred to in this petition were investigated and the Commission thereupon made and entered the following order, viz.:

"It is ordered, that on the transportation of coal from said mines to Louisville, Ky., said company is, until otherwise ordered by this board, exonerated from said provisions, and is, until further ordered permitted to charge, collect and receive a less rate for the transportation of coal over its lines in connection with said Southern Railway in Kentucky from said mines (Beattyville mines) to said city of Louisville, Ky., than it charges, collects and receives for the transportation of said commodity to stations between said points.

"The Commission reserves the power to change, modify, or revoke this order when it may deem proper."

C. D. THOMPSON AND OTHERS, HARRODSBURG, KY., *Complainants,*

vs.

THE SOUTHERN RAILWAY IN KENTUCKY AND THE CINCINNATI, NEW ORLEANS & TEXAS PACIFIC RAILWAY COMPANY, *Defendants.*

Subject: Extortionate rate for the transportation of hemp from Harrodsburg to Eastern cities.

It was ascertained upon an investigation of this complaint that an excessive local rate was charged from Harrodsburg to Lexington which, added to the through rate from Lexington to Eastern cities, amounted to a discrimination against Harrodsburg. Pending the investigation of this complaint, the growers and dealers in hemp held a conference with the representatives of the defendant railway companies, and the rate was thereupon reduced to meet the demands of complainants and other shippers, and on motion of complainants this complaint is dismissed settled.

E. F. SPEARS & SON, PARIS KY., *Complainants,*

vs.

LOUISVILLE & NASHVILLE RAILROAD AND OTHERS, *Defendant.*

Subject: Four cents differential per hundred pounds for the transportation of grass and hemp seed from Paris to Eastern cities against Paris, Ky., in favor of Lexington on the same commodity from and to the same points.

A meeting of the Commission was held at Paris, Ky., pursuant to notice and this complaint fully investigated. It was found that on grass seed and hemp the shippers at Paris and in Bourbon county were charged a four-cent higher rate to Eastern cities and the Pacific coast than the shippers at Lexington, Ky. The Commission found that there was no dissimiliarity in the circumstances and conditions attending the transportation of these commodities from Lexington and those prevailing at Paris. The defendant company and the connecting carriers

were ordered to reduce the rate on these commodities from Paris four cents per hundred, thus placing Paris upon the Lexington basis, and upon their refusal to do so, the chairman of the Commission was directed to prepare and file a petition with the Interstate Commerce Commission. Prior to the filing of this petition, notice was received from the defendants that the rate had been reduced in conformity with the Commission's order. The opinion rendered by the Commission will be found elsewhere in this appendix, and the complaint is now dismissed settled.

THE OWENSBORO BUSINESS MEN'S ASSN., *Complainant,*

vs.

LOUISVILLE, HENDERSON & ST. LOUIS RAILROAD CO., LOUISVILLE & NASHVILLE RAILROAD CO., AND ILLINOIS CENTRAL RAILROAD CO., *Defendants.*

Subject: Petition for new union depot.

The Commission made an inspection of the depots being used by the defendant railroad companies, and found that each of them was inadequate for the accommodation of the traveling public. They were each ordered to join in the erection of a modern union depot, and upon their failure so to do, each would be required to construct a new depot according to plans to be furnished by the Commission. The defendants shortly thereafter notified the Commission that a union depot would be built, and the same is now being erected by the defendant, the Louisville, Henderson & St. Louis Railroad Company, upon the site of the old structure used by that company. Numerous petitions have been received from citizens of Owensboro protesting against the abandonment by the Illinois Central Railroad of their present station in the city of Owensboro. Considerable correspondence has been had, and it has not yet been determined whether or not the Illinois Central Railroad Company will enter the new union station.

CITIZENS OF GLASGOW JUNCTION, *Complainants,*
vs.
THE LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Subjest: Petition for a new and enlarged passenger depot.

A member of the Commission visited Glasgow Junction and inspected the present depot at that point, and it was determined that in order to accommodate the traveling public it was necessary for the defendant company to erect at Glasgow Junction a new and more modern building. Defendant was so notified, and plans have been drawn and arrangements are being made for the erection of a depot at that point, which the Commission is of opinion will be sufficient to meet the requirements of the traffic there.

GRIGSBY & CO., BARDSTOWN, KY., *Complainant,*
vs.
THE LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Subject: Discrimination in rates on grain from Bardstown to Louisville.

The Commission took this complaint up by correspondence with the traffic manager of defendant company's road and found that a milling in transit rate was in effect at Bloomfield and other points in territory contiguous to Bardstown, while the same was not allowed to shippers at the latter point. Defendant thereupon put in effect a similar rate at Bardstown, which gave the relief contended for by complainants, and thereupon the complaint was dismissed settled.

CITIZENS OF PLEASUREVILLE, KY., *Complainants,*
vs.
LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Subject: Inadequate depot.

The additions and improvements heretofore ordered by the Commission have been completed, thus giving this point a comfortable passenger and freight depot.

JENKINS, RYAN & CO. ADAIRVILLE, KY., *Complainants,*
vs.
LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Subject: Extortionate rates on export, intra and interstate tobacco.

Notice was given and a meeting of the Commission held at Russellville, Ky., and this complaint was heard in part. Before the completion of the hearing complainants requested a dismissal of their complaint, stating that it had been settled to their entire satisfaction. They were requested to report to the Commission the terms of settlement, which, so far, they have failed to do. The Commission, therefore, declined to sustain their motion to dismiss, and this complaint is continued for further investigation.

MOUNT & ELKINS, LANCASTER, KY., *Complainants,*
vs.
LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Subject: Overcharge on carload of wire-fencing.

The investigation of this complaint has not been completed and is, therefore, continued.

M. A. BELL, MT. PISGAH, KY., *Complainant,*
vs.
CINCINNATI, NEW ORLEANS & TEXAS PACIFIC RAILWAY CO., *Defendant.*

Subject: Extortionate rates on various commodities.

This complaint has not been fully investigated and is, therefore, continued.

LOUISVILLE VENEER MILLS, LOUISVILLE, KY., *Complainants,*
vs.
LOUISVILLE & NASHVILLE RAILROAD CO., ETC., *Defendants.*

Subject: Extortionate rates on cross-ties.

This complaint was heard and determined with the complaint of the Norman Lumber Company and Others versus the same

defendants, and an order entered therein reducing the rates on cross-ties to the low-grade lumber rates on all railroads to and from all points in the State of Kentucky. Se opinion and order in Norman Lumber Co. vs. L. & N. R. R. Co., herein.

CITIZENS OF LEBANON AND MARION COUNTY, *Complainants,*
vs.
LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Subject: Extortionate rates on all commodities to and from Marion county and elsewhere on defendant's Knoxville Branch.

This complaint was consolidated with that of J. Ed. Guenther and Others vs. Louisville & Nashville Railroad Co. and Others, and which is now being investigated, and this complaint is, therefore, continued.

CITY OF CORYDON, KY., *Complainant,*
vs.
ILLINOIS CENTRAL RAILROAD CO., *Defendant.*

Subject: Failure to list for taxation property within the town limits.

The attention of defendant company was called to the complaint, and it very promptly paid the full amount of taxes due, and this complaint is dismissed settled.

W. T. HANDY, CYNTHIANA, KY., *Complainant,*
vs.
LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

This was a communication received from complainant, in which he alleged in general terms that all rates to and from Cynthiana and Harrison county were unjust, and was accompanied by a request that the Commission advise how he might lodge a complaint in order that the subject might be brought before the Commission. A copy of the Commission's rules was

forwarded to complainant and advice given as to the manner of filing complaints with the Commission, but no response has ever been received from complainant, and his complaint is, therefore, continued.

S. L. GREEN, IBEX, Ky., *Complainant,*
vs.
THE CHESAPEAKE & OHIO RAILWAY CO., *Defendant.*

Subject: Failure of local agent to give information as to rates.

This complaint was taken up by correspondence with the proper official of the defendant company and the local agent instructed to give complainant the information desired, all of which was done, and on motion of complainant, the complaint is now dismissed settled.

GRIGSBY & CO., BARDSTOWN, KY., *Complainants,*
vs.
LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Subject: Overcharge and extortionate rates on millet seed, Bardstown to Cincinnati, Ohio.

This complaint has not yet been investigated or determined, and is, therefore, continued.

STRINGER & MILLER, HARDIN KY., *Complainants,*
vs.
NASHVILLE, CHATTANOOGA & ST. LOUIS RAILWAY CO., *Defendant.*

Subject: Extortionate rates on lumber from Hardin to Murray, Ky.

An investigation of this complaint disclosed the fact that defendant company had issued a new tariff reducing its rate on lumber from and to the point indicated, as demanded by complainant, and on motion of the latter, this cause is dismissed settled.

CENTRAL CITY COMMERCIAL CLUB, *Complainant,*
vs.
ILLINOIS CENTRAL RAILROAD CO. AND LOUISVILLE & NASHVILLE RAILROAD COMPANY, *Defendants.*

Subject: Petition for union depot at Central City.

The Commission visited Central City, inspected the depot complained of and heard statements from the citizens of that city and also from representatives of defendants, and being of the opinion that the present depot is entirely inadequate for the accommodation of the traveling public, and on account of its dilapidated condition, it will be impossible to remodel it so as to accommodate the traveling public, defendants were so notified and instructed to erect a new and larger depot. The Commission is now in correspondence with defendants and the exact plans have not yet been agreed upon. This complaint is, therefore, continued.

ROWLAND & COBERN, SOLDIER, KY., *Complainants,*
vs.
ASHLAND COAL & IRON RAILWAY CO., *Defendant.*

Subject: Overcharge on car of coal.

The defendant company was instructed by the Commission to refund to complainants the amount of the overcharge complained of. This was promptly done and the complaint dismissed settled.

J. H. MITCHELL, CORBIN, KY., *Complainant,*
vs.
LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Subject: Extortionate rates on general merchandise.

Pending the investigation of this complaint a communication was received from complainant advising the Commission that upon investigation made by him he had ascertained that defendant company had only charged him the regular tariff rate which was satisfactory, and on his motion this complaint is dismissed.

CITIZENS OF DANVILLE, KY., *Complainants,*
vs.
CINCINNATI, NEW ORLEANS & TEXAS PACIFIC RAILWAY CO., *Defendant.*

Subject: Insufficient depot facilities.

A member of the Commission visited Danville, and after an inspection of the premises and upon his report to the Commission, it was ordered that the defendant company erect a new and larger depot at this point. In view of the recent construction of the Southern Railway and the running of its trains into Danville, the Commission was of the opinion that defendant and said Southern Railway should join in a union depot. They were so advised and agreed that this would be done. Plans for a new union depot have been drawn, and the Commission has been assured that the work will progress as speedily as possible.

G. J. THOMAS, RENFRO, KY., *Complainant,*
vs.
ILLINOIS CENTRAL RAILROAD CO., *Defendant.*

Subject: Extortionate freight rates on various commodities.

This complaint was raised by a letter enclosing a number of freight bills which showed extortionate rates. The attention of defendant company was called to the matter and it was found that the local agent had charged rates largely in excess of the regular published tariff rates. The excess over the published rate was refunded to complainant and his complaint was dismissed settled.

J. ED. GUENTHER AND OTHERS, *Complainants,*
vs.
LOUISVILLE & NASHVILLE RAILROAD CO., AND ALL OTHER RAILROADS IN THE STATE OF KENTUCKY, *Defendants.*

Subject: Extortionate rates to and from all points on all railroads and upon all commodities in the State of Kentucky, and discrimination against Owensboro and other western Ken-

tucky points in rates to and from central freight and trunk line territory.

The question first submitted to the Commission by complainants was that of local intrastate rates to and from Owensboro, Ky., and alleged discrimination upon the part of the railroads entering Owensboro in conjunction with other roads north of the Ohio river in central freight and trunk line territory, in making rates to and from Owensboro and the aforesaid territory on a basis of 120 per cent. of the New York-Chicago rate, whereas Evansville, Ind., was given a basis of 110 and 115 per cent. Several meetings were held in the city of Owensboro, and a vast amount of testimony submitted. The Commission rendered a decision in regard to interstate rates and the percentage basis complained of, and filed a petition before the Interstate Commerce Commission, which is shown in Appendix "C." Complainants then, in conjunction with the Business Men's Association of Owensboro, amended their complaint, making all the railroads in the State of Kentucky defendants, and alleging that all intrastate rates, to and from all points, on all commodities, and upon all railroads within the State, were extortionate, unjust and unreasonable. A number of other complainants, including the Norman Lumber Company, Louisville Veneer Mills, filed petitions seeking to be made parties complainant and joined in the allegations and prayer of complainants' amended petition.

After full notice as required by law, a meeting was held at Frankfort, Ky., and various motions to dismiss each and all of these complaints, and numerous demurrers were filed by defendants. The Commission was represented by Judge William Lindsay and Col. Bennett H. Young, special counsel employed by the Governor to represent the Commonwealth, and after a full argument, each and all of defendants' motions and demurrers were overruled, and the Commission determined to proceed with the investigation of the complaints. The attorneys for the Commonwealth at the beginning of the session filed an intervening petition on behalf of the Commonwealth for the benefit of all the people of the State, and on their motion the petition was ordered filed and that the proceedings be prosecuted in the name of the Commonwealth. The Commission is now engaged in the investigation of the questions raised by these complaints. In order to intelligently pass upon these questions and to enable

the Commission to have all information possible to be obtained bearing upon the question of all rates as a whole, the following interrogatories were propounded to each and all of the defendants, and they are now engaged in gathering data in order that these questions may be answered:

TO THE ———————— RAIL——— COMPANY.

ANSWERS TO THE FOLLOWING QUESTIONS ARE REQUIRED BY THE RAILROAD COMMISSION OF KENTUCKY.

(By "State Traffic," "State Passengers," and "State Freight," as used herein, reference is made only to traffic originating at and destined to points in Kentucky.)

VALUATION.

1. Value of all property within the State of Kentucky necessarily used by the compauy in its operation as a railway common carrier.

2. Value of all property within the State of Kentucky necessarily used by the company in the carriage of all State traffic transported within the State of Kentucky.

3. State fully the method of arriving at each valuation above required.

4. Par value and valuation of all stocks owned.
   Income therefrom.
   Proportion assignable to Kentucky State traffic.
   Method of assignment.

5. Par value and valuation of all bonds owned.
   Income therefrom.
   Proportion assignable to Kentucky State traffic.
   Method of assignment.

6. Value of all property owned outside of railway operated and stocks and bonds.
   Income therefrom.
   Proportion assignable to Kentucky State traffic.
   Method of assignment.

7. Cash Surplus.
   Proportion assignable to Kentucky State traffic.
8. Capital stock (number shares, par value; valuation).
   Proportion assignable to Kentucky.
   Proportion assignable to Kentucky State traffic.
   Give methods of assignment.
9. Funded debt, par value and valuation.
   Proportion assignable to Kentucky.
   Proportion assignable to Kentucky State traffic.
   Give methods of assignment.

GROSS EARNINGS AND INCOME FOR KENTUCKY.

10. Gross earnings from operation of Kentucky lines in trffic originating at and destined to points in Kentucky.
11. Divide foregoing statement of gross earnings as follows:
   Passenger:
   Express.
   Extra baggage and storage.
   Mail.
   Other items.
   Total.
   Freight:
   Other items.
   Total.
   Grand total.
   Proportion of freight to total gross earnings.
   Other earnings from operation.
   (Here give total, including switching and car per diem and mileage balances, telegraph and telephone companies, rents from all property, and operating earnings from other sources.)

OPERATING EXPENSES, STATE TRAFFIC ONLY.

12. Maintenance of way and structures:
   Repairs of roadway.
   Renewals of rails.
   Renewals of ties.
   Repairs and renewals of bridges and culverts.

Repairs and renewals of fences, road crossings, signs and cattle guards.
Repairs and renewals of buildings and fixtures.
Repairs and renewals of docks and wharves.
Repairs and renewals of telegraph.
Stationery and printing.
Other expenses.
Total.

13. Maintenance of equipment:
Superintendence.
Repairs and renewals of locomotives.
Repairs and renewals of passenger cars.
Repairs and renewals of freight cars.
Freight and renewals of work cars.
Repairs and renewals of marine equipment.
Repairs and renewals of shop machinery and tools.
Stationery and printing.
Other expenses.
Total.

14. Conducting transportation:
Superintendence.
Engine and roundhouse men.
Fuel for locomotives.
Water supply for locomotives.
Oil, tallow, and easte for locomotives.
Other supplies for locomotives.
Train service.
Train supplies and expenses.
Switchmen, flagmen and watchmen.
Telegraph expenses.
Station service.
Station supplies.
Switching charges—balance.
Car mileage—balance.
Car mileage—balance.
Hire of equipment—balance.
Loss and damage.
Injuries to persons.
Clearing wrecks.
Operating marine equipment.

Advertising.
Outside agencies.
Commissions.
Stockyards and elevators.
Rents of tracks and yards, terminals.
Rents of buildings and other property.
Stationery and printing.
Other expenses.
Total.

15. General expenses:
Salaries of general officers.
Salaries of clerks and attendants.
General office expenses and supplies.
Insurance.
Law expenses.
Stationery and printing (general office).
Other expenses.
Total.

16. Recapitulation of expenses:
Maintenance of way and structures.
Maintenance of equipment.
Conducting transportation.
General expenses.
Grand total.

17. Percentage of expenses to earnings—entire system.
Percentage of expenses to earnings—all lines and all traffic, State of Kentucky.
Percentage of expenses to earnings—in Kentucky State traffic.

18. Operating expenses—all lines and all traffic, State of Kentucky:
Maintenance of way and structures.
Maintenance of equipment.
Conducting transportation.
General expenses.
Total.

TRAFFIC AND MILEAGE STATISTICS FOR KENTUCKY.

19. Number of miles of road operated in Kentucky on which earnings accrue.

20. Number of State passengers carried earning revenue.
21. Number of State passengers carried one mile.
22. Number of tons carried of State freight earning revenue.
23. Number of tons of State freight carried one mile.
24. Number of tons of State freight carried one mile per mile of road.
25. Average distance haul of one ton of State freight.
26. Average receipts from State freight per ton per mile.
27. Average amount received for each ton of State freight.
28. State freight earnings per mile of road in Kentucky.
29. Average number of freight cars per train mile on freight and mixed trains.
30. Average number of tons of freight per ton mile on freight and mixed trains when employed exclusively in hauling State freight.
31. Average number of tons of freight per loaded car mile when employed in hauling State freight.
32. Proportion of freight and mixed train mileage for State freight to total freight and mixed train mileage.
33. Proportion of State freight car mileage to total car mileage, loaded and empty.
34. Average cost of passenger trains per mile.
    How ascertained.
35. Average cost of freight and mixed trains per mile.
    How ascertained.
36. Average weight of passenger trains.
    How ascertained.
37. Average weight of freight trains, including cars and freight.
    How ascertained.
38. Gross earnings per mile, State traffic.
39. Net earnings per mile, State traffic.
40. Taxes paid in Kentucky.
    Proportion assignable to State traffic.
41. Rentals paid for lease of road in Kentucky.
    Proportion assignable to State traffic.
42. Rentals for lease of tracks, terminals and switches.
    Proportion assignable to State traffic.

In response to a letter of inquiry from the Commission as to reductions in rates during the pendency of this complaint, the following communication was received:

THE OWENSBORO BUSINESS MEN'S ASSOCIATION.

TRAFFIC DEPARTMENT.

LAMAR HERNDON, Traffic Manager.

OWENSBORO, KY., December 19, 1905.

Mr. C. C. McChord, Chairman,
Springfield, Ky.

DEAR SIR:—Answering your favor of the 23d ult., beg to advise that the I. C. road made some slight reduction on their local rates from Owensboro to Horse Branch on the Owensboro Division of the I. C., and from Owensboro to West Clifty on the main line running north from Horse Branch, and from Owensboro to White Plains on the main line running south. These reductions were covered by supplement No. 47-I. C., tariff A-1003. The rates were also reduced to points on the Henderson Division of the I. C. between McClain, Ky., and Sulphur, and also to stations on the Dixon Branch. These are covered by L. H. & St. L. tariff No. 494. They have also reduced the rates to points on the Green River which is covered by supplement No. 3 I. C. tariff E-1188. They have reduced the rates on canned goods from Owensboro to East St. Louis, and on carriage and wagon wheels from Owensboro to East St. Louis. This is covered by tariff No. L-3605. They afterwards reduced rates on catsup, catsup stock and tomato pulp from Owensboro to East St. Louis, covered by supplement No. 2 to tariff L.3605. The only reductions we have heard of the L. & N. making are those incorporated in Mr. Harrison's brief showing the proposed reductions in rates from Owensboro to points on the Henderson Division of the L. & N. We have received no tariff covering these reductions, and do not believe they have been put into effect. All the roads reduced the rates from Owensboro to all points in trunk line territory. They did this by applying the present Evansville differentials to the rate from Evansville, which made

a reduction from one to three cents per hundred pounds. The rate on whisky from Cincinnati and Louisville to Owensboro was reduced very materially, but I have no copy of that tariff, so can not give you the reference.

The L. H. & St. L. reduced the rate on whisky from Owensboro to Henderson at our solicitation from thirteen cents to ten cents. They did this, however, because they had in a eleven-cent rate from Louisville to Henderson, and did not make the change until we called their attention to it.

This, I believe, is all of the reductions that have been made since our complaint was filed. I have been trying to get all three of the roads to put me on their mailing list for changes and new issues, but have never been able to get them to say whether they would or not. I know they have not, because I am continually discovering issues that have never been received by this office.

If you desire a detailed statement in regard to these changes, please advise me and I will prepare it for you. Excuse delay in answering this letter, but I was under the impression that I had done so until looking over my files to-day.

Awaiting your further requests, and assuring you that we stand ready at all times to prepare any information for your Commission that is within our power to do, we remain,

Yours truly,

LAMAR HERNDON,
Traffic Manager.

CITIZENS OF PRINCETON, KY., *Complainants,*
vs.
ILLINOIS CENTRAL RAILROAD CO., *Defendant.*

Subject: Insufficient depot accommodation.

This was a verbal complaint made by a citizen of Princeton. Two members of the Commission visited Princeton and it was determined that the present depot is entirely inadequate for the accommodation of the shipping and traveling public at that point. A representative of the defendant company explained to the Commission that his company had already drawn plans and would without unnecessary delay erect a new and modern

depot at this place, some question having arisen as to the proper location.

This matter has not yet been fully determined and is, therefore, continued.

KENTUCKY LUMBER CO., MAYSVILLE, KY., *Complainants,*
vs.
THE CHESAPEAKE & OHIO RAILROAD CO., *Defendant.*

Subject: Extortionate switching charges at Maysville terminals.

After an inspection by the Commission and an investigation of this complaint, a reduction of the switching charges complained of was made by defendant company, which reduction was approved by complainant, the Commission reserving the power to re-open the matter on its own motion in conjunction with other complaints involving switching charges at other points upon defendant's line and upon the lines of other railroads of the State.

E. H. STEELY, *Complainant,*
vs.
LOUISVILLE & NASHVILLE AND C. N. O. & T. P. RAILROAD COMPANIES, *Defendants.*

Subject: Extortionate rates on crude oil, Williamsburg to Somerset, Ky.

It developed upon an investigation of this complaint that a rate of fifteen cents per hundred on crude oil was charged for the transportation of this commodity from Williamsburg to Somerset, Ky. The Commission being of opinion that this rate was extortionate, a reduction was made by the defendant companies from fifteen to eleven cents per hundred, and at request of complainant said reduction was approved, subject to further review by the Commission.

R. H. PERKINS, *Complainant.*

vs.

LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Subject: Extortionate rates on brick from Louisville to Corbin and Williamsburg, Ky., and from Berea to Corbin and Williamsburg, Ky.

This complaint was investigated by the Commission, and after a conference with defendant, an average reduction of 25 per cent. was made by defendant in the rates to and from the points indicated, which reduction was approved and the complaint dismissed settled.

HENRY L. WOOD, *Complainant,*

vs.

THE CHESAPEAKE & OHIO RAILROAD CO., *Defendant.*

Subject: Insufficient crossings and want of protection to the traveling public at Olive Hill, Ky.

This complaint is now being investigated and is, therefore, continued.

JAS. A. WALLACE, *Complainant,*

vs.

LOUISVILLE & ATLANTIC RAILROAD CO., *Defendant.*

Subject: Extortionate coal rates from Beattyville to Irvine, Ky.

This complaint is now being investigated and is, therefore, continued.

The following complaints have been filed and are now being investigated by the Commission, viz.:

J. H. MITCHELL, CORBIN, KY., *Complainant,*

vs.

LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Subject: Extortionate rates on lumber to Corbin, Ky., from points on the Knoxville Division.

JELLICO MINING CO., *Complainant,*
vs.
LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Subject: Extortionate rates for the transportation of coal from Saxton, Ky., to Jellico, Tenn.

RICHARD ILES, SALT LICK, KY., *Complainant,*
vs.
THE CHESAPEAKE & OHIO RAILWAY CO., *Defendant.*

Subject: Extortionate rates on sand.

J. M. ROSS, PRESIDENT ROCK CREEK COAL & LUMBER CO., SOMERSET, KY., *Complainant,*
vs.
THE KENTUCKY & TENN. R. R. CO., *Defendants.*

Subject: Failure to make rate on coal.

E. R. CHANDLER, CAMPBELLSVILLE, KY., *Complainant,*
vs.
LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Subject: Overcharge on freight.

CENTRAL CITY COMMERCIAL CLUB, *Complainants,*
vs.
ILLINOIS CENTRAL AND LOUISVILLE & NASHVILLE RAILROAD COMPANIES, *Defendants.*

Subject: Inadequate depot accommodations at Central City, Ky.

POTTS BROTHERS, TEATERSVILLE, KY., *Complainants,*
vs.
LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Subject: Insufficient switching accommodations.

T. M. LYONS & SON, SIMPSONVILLE, KY., *Complainants,*
vs.
LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Subject: Extortionate rate on coal from Cannel City, Ky.

D. H. BEARD, CANE VALLEY, KY., *Complainant,*
vs.
ADAMS EXPRESS COMPANY, *Defendant.*

Subject: Violation of the long and short haul clause of the Constitution and statutes.

LOGAN KREGG, *Complainant,*
vs.
LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Subject: Extortionate rate on coal.

KINGSTON & WOLF COAL CO., *Complainants,*
vs.
LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Subject: Discriminatory rate on coal.

M. A. BELL, MT. PISGAH, KY., *Complainant,*
vs.
CINCINNATI, NEW ORLEANS & TEXAS PACIFIC RAILWAY CO., *Defendant.*

Subject: Extortionate freight rates on general merchandise.

THE FIELD GROCERY CO., CATLETTSBURG, KY., *Complainants,*
vs.
THE CHESAPEAKE & OHIO RAILWAY CO., *Defendant.*

Subject: Extortionate rate on salt.

CONWAY & MASON, MORGANFIELD, KY., *Complainants,*
vs.
ILLINOIS CENTRAL RAILROAD CO., *Defendant.*

Subject: Inadequate stock pens.

WALTER S. FORRESTER, LOUISVILLE, KY., *Complainant,*
vs.
LOUISVILLE & EASTERN RAILROAD CO., *Defendant.*

Subject: Separate car for colored passengers.

L. E. STARKS AND OTHERS, HARDIN, KY., *Complainants,*
vs.
NASHVILLE, CHATTANOOGA & ST. LOUIS RAILROAD CO., *Defendant.*

Subject: Extortionate coal rates.

EASTERN KENTUCKY RAILWAY CO., RIVERTON, KY.
PETITION, *duplicate assessment.*

CHAS. W. REYNOLDS, KUTTAWA, KY., *Complainant,*
vs.
ILLINOIS CENTRAL RAILROAD CO., *Defendant.*

Subject: Extortionate coal rates.

J. P. REED, KUTTAWA, KY., *Complainant,*
vs.
ILLINOIS CENTRAL RAILROAD CO., *Defendant.*

Subject: Free transportation for those accompanying consignments of live stock.

WILLIAM ADDAMS, CYNTHIANA, KY., *Complainant,*
vs.
LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Subject Overcharge on grain from Cincinnati to Cynthiana, Ky.

S. F. WHITLEY, WHITESVILLE, KY., *Complainant,*
vs.
ILLINOIS CENTRAL RAILROAD CO., *Defendant.*

Petition for crossing.

CITIZENS OF CLEATON, KENTUCKY, *Complainants,*
vs.
LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Subject: Insufficient depot.

A large number of complaints have been made from various parts of the State regarding the insufficiency of passenger and freight depots. The Commission has visited and inspected the depots at the points from which complaints have been made and has also, on its own motion, inspected numerous others throughout the State and suggested additions and improvements, and in a majority of the instances the railroad companies have complied with the Commission's suggestion and many improvements have been made. A great many controversies between shippers and the railroads of the State have been amicably adjusted by correspondence from this office and by conference. While it has been found impossible for the Commission to handle verbal complaints with any degree of satisfaction, the Commission has, nevertheless, from time to time, taken up these verbal complaints with the railroads, and in many instances settlements of these controversies have been made to the satisfaction of the complainants as well as the railroads.

FRANKFORT, KY., January 21, 1905.

THE ADKINS COAL CO., *Complainant,*
vs. OPINION AND ORDER.
THE CHESAPEAKE & OHIO AND ASHLAND COAL & IRON RAILWAY COMPANIES, *Defendants.*

At a meeting of the Railroad Commission held this day the following opinion was rendered and order made:

The questions at issue in this investigation were raised by the Adkins Coal Company, of Mt. Sterling, Ky., a company engaged in mining and shipping coal, their mine being located upon that portion of the Chesapeake & Ohio Railway system between Denton, Ky., and Ashland, Ky. It is alleged that the present rate for the transportation of coal from Kilgore and other points between Ashland and Denton to central Kentucky points is extortionate. After receipt of this complaint notice was given in due form to the proper officials of the Chesapeake & Ohio Railway Company and to those of the Ashland Coal & Iron Railway Company, and also to complainant. Pursuant to this notice, a meeting of the Commission was held at Mt. Sterling, Ky., on the third day of January, 1905, and after hearing the parties in part a further hearing was continued by agreement of all parties until the eleventh day of January, 1905, at Mt. Sterling, Ky., and on said latter date, the entire Commission being present, and the complainants and the said two railway companies being represented by counsel, the complaint was fully heard and determined.

It appears that the Chesapeake & Ohio Railway system, after entering the State of Kentucky at Ashland, in running on to Louisville, is made up in part of about twenty-two miles of railroad owned by the Ashland Coal & Iron Railroad Company, extending from Ashland to Denton. There it intersects with and forms a continuous line with the railroad of the Chesapeake & Ohio Railway Company, running from Denton to Lexington, Ky., over what is known as the Elizabethtown, Lexington & Big Sandy Railway. At Lexington, Ky., it continues on to Louisville, Ky., over the line of the Louisville & Nashville Railroad Company, the line of the latter company being leased by the Chesapeake & Ohio Railway Company for a certain period, for which it pays the sum of $5,000 per month and obligates itself to pay a certain proportion of the cost of keeping the road-bed in repair. By the terms of its contract with the Louisville & Nashville Railroad Company, the Chesapeake & Ohio Railway Company is not allowed to do any local business. The contract of this latter company with the Ashland Coal & Iron Railway Company is analogous to that with the Louisville & Nashville Railroad Company, except as to the sum to be paid per month

as rental, and as to the time of the life of the lease. By the terms of these two leases, each road is given a certain joint interest in the use of the property, and for the purpose of rate-making under the limitations of these leases, and in so far as the service it has a right to perform is concerned, is nothing more nor less than one continuous line and one system of railroad.

Prior to October 1, 1904, the rates on coal originating at points between Ashland and Denton to points west as far as Lexington and Louisville, Ky.; were shown in the tariff of the Chesapeake & Ohio Railway Company, to-wit: Authority No. 3873 of the Chesapeake & Ohio Railway Company, Freight Tariff No. 11693 (I. C. C. No. 2895), issued April 15, 1904, effective April 15, 1904, which tariff is now on file in the office of the Railroad Commission at Frankfort, Ky. On the 28th day of September, 1904, written notice was given by the president of the Ashland Coal & Iron Railway Company that on and after October 1, 1904, said company would accept for shipment all coal destined east or west from the mines between Ashland and Denton, and deliver same to its connections at either of said points, and that the rate would be thirty cents (30) per ton of 2,000 pounds to either of said points. This, of course, meant that the rate for all shipments east or west from said mines would, on and after said date, take the rate then, and now, charged by the Chesapeake & Ohio Railway Company, *plus* thirty cents per ton, which amounted to an increase in the rate theretofore charged of thirty cents per ton on all coal shipments.

After a full hearing and argument by counsel, the Commission unanimously decided that the sum of said two rates was, and is, extortionate. It was further the opinion of the Commission that the rate so condemned was a prohibitive one, and if permitted to be enforced would deprive the mines designated of the opportunity to compete in the sale of their coal with coal transported through said points from other mines upon the lines of the Chesapeake & Ohio Railway Company east of Ashland.

It is therefore ordered, that for the transportation of all coal from mines between Ashland, Ky., and Denton, Ky., to the following named points—all in the State of Kentucky—there shall not be charged, collected or received by said two railway companies jointly, or by either of them separately, for the trans-

portation of such coal, rates in excess of the following, to-wit:

Goodale, Leon, Aden, Grahn, Corey, Mountain Top, Highland, Olive Hill, Parks, Limestone, Berry, Tygart, Lawton Junction, Enterprise, Shay, Hayward, Soldier, and Haldeman, fifty (50) cents per ton.

Gates, Rodburn, Wheatleys, Morehead, Bradys, Bronson, Bailey, Rockville, Freestone, Van Antwerp, Lacy, Farmer, eighty (80) cents per ton.

Licking, Midland, Camp, Salt Lick, Olympia, Preston, Stepstone, Ewington, Mt. Sterling, Thompson, Hedges, L. & E. Junction, Winchester, Quisenberry, Nelson, Colby, Tebbs, Pine Grove, Chilesburg, Brighton, Sharon, Netherland, Lexington and Louisville one dollar and ten cents ($1.10) per ton of 2,000 pounds.

The Commission reserves the power to alter, change or modify this order, and the secretary of the Commission is directed to mail attested copy of this order to an officer, agent or employe of said Chesapeake & Ohio Railway Company and said Ashland Coal & Iron Railway Company, and to the complainant, the Adkins Coal Company; and this order shall be entered in full upon the record book of said Commission, and at the expiration of ten (10) days thereafter be in full force and effect. And should either or both of said railway companies, or any officer, agent, or employe of either or both thereafter charge, collect or receive a greater or higher rate, toll or compensation for the transportation of coal to and from said points than that fixed by this order, the chairman of this Commission is directed to file a copy or copies of this order in a court and before a grand jury having jurisdiction of the offense, to the end that indictments may be returned and prosecutions had thereunder.

C. C. McCHORD, *Chairman,*
A. T. SILER,
McD. FERGUSON,
Commissioners.

A copy. ATTEST: MOSES R. GLENN,
Secretary the Railroad Commission.

FRANKFORT, KY., March 15, 1905.

ADKINS COAL CO., *Complainant,*
vs. ORDER.
A. C. & I. AND C. & O. RY. CO., *Defendants.*

Pursuant to notice to the Ashland Coal & Iron and Chesapeake & Ohio Railway Companies and also to complainants, the Adkins Coal Company and the Carpenter Electric Light & Power Company, a meeting of the Commission was held at Ashland, Ky., on the 25th day of February, 1905. In the opinion heretofore rendered by this Commission in the matter of complaint of the Adkins Coal Company it was expressly held that the sum of the two local rates charged by the Ashland Coal & Iron and Chesapeake & Ohio Railway Companies for the transportation of coal whereby the former rate on coal to and from the points herein designated has been increased thirty cents per ton were extortionate, and while the former order did not name the rate which these two carriers would be permitted to charge for the transportation of coal to points east of Denton and Ashland, Ky., it was the intention of the Commission to fix these rates in that order. It is now, therefore, ordered that said former order be extended and that said Ashland Coal & Iron Railway Company and said Chesapeake & Ohio Railway Company, either separately or jointly, shall not charge, collect or receive for the transportation of coal from Denton and Ashland and intermediate points, rates in excess of the following per ton of 2,000 pounds, to the points indicated as follows, to-wit: To Hampton, Catlettsburg, Mitchell, Chaffee, Clyffeside, Herman and Norton, lump and nut coal, 50 cents per ton; run of mine, pea and nut and slack coal, 40 cents per ton. To Russell, nut and lump coal, 60 cents per ton; run of mine, pea, nut and slack, 50 cents per ton. To Wurtland, Riverton, Greenup, Gray's Branch, Edginton, Lineville, Siloam, Frost, Taylor, Fullerton and South Portsmouth lump and nut coal, 70 cents; run of mine, pea, nut and slack, 65 cents per ton. To Fire Brick, Glenn, St. Paul, Quincy, Howland, Lloyd, Garrison, Buena Vista, Vanceburg, Carrs, Concord, Manchester, Springdale, Maysville, Brashears and South Ripley, lump and nut coal, 75 cents; run of mine, pea, nut and slack coal, 75 cents. To Dover, Augusta, Wellsburg, Bradford, Willow Grove, Foster, Corntown, Mos-

cow, De Moss, Mentor, California, New Richmond, Oneonta, Ross, Melbourn, Brent, Fort Thomas, Water Works, Dayton, Bellevue, Newport, K. C. Junction, Covington, lump and nut coal, 80 cents per ton; run of mine, pea, nut and slack coal, 75 cents per ton—all of said points being in the State of Kentucky. The Commission is further of the opinion that neither of said carriers either jointly or severally should be permitted to charge 30 cents additional local rate per ton on coal applying on Ashland Coal & Iron Railway Company upon interstate shipments, and should said carriers or either of them continue to charge said additional rate this board will appeal to the Interstate Commerce Commission for relief against said excessive rate. The secretary of the Commission is directed to mail an attested copy of this order to an officer or agent of the Chesapeake & Ohio Railway Company and also to the Ashland Coal & Iron Company and to complainants, the Adkins Coal Company and the Carpenter Electric Light & Power Company.

C. C. McCHORD, *Chairman,*
McD. FERGUSON,
A. T. SILER,
Commissioners.

ATTESTED COPY: MOSES R. GLENN,
Secretary Railroad Commission.

FRANKFORT, KY., March 17, 1905.

CITIZENS OF UNION COUNTY, *Complainants,*
vs. OPINION AND ORDER.
ILLINOIS CENTRAL RAILWAY CO. *Defendant.*

Pursuant to written notice given to the general freight agent of the Illinois Central Railway Company and to complainants a meeting of the Commission was held at Morganfield, Ky., on the 3d day of March, 1905. The questions at issue were raised by citizens of Morganfield and Union county and the main question to be considered in this opinion is that of grain rates from Morganfield, Ky., to Atlanta, Ga.; and other southeastern territory. It seems that for many years prior to about Decem-

ber 15, 1904, the grain rate from Morganfield and Uniontown to Atlanta was 24 cents per hundred. Uniontown is a point upon the Ohio river and is served by that river and a branch line of the Illinois Central Railway Company intersecting its main line at Morganfield, Morganfield being about five miles east of Uniontown. Under the former rate a number of grain elevators were erected at both Morganfield and Uniontown, and in the transportation of grain from Uniontown to Atlanta, Ga., the grain is carried through Morganfield. Both Morganfield and Uniontown, and in fact the entire territory tributary to these two points, had long since adjusted itself to the uniform rate charged these Ohio river points, but without any warning or apparent reason the Illinois Central Railway Company, about December 15, 1904, increased its rate from 24 cents to 28 per hundred from Morganfield to Atlanta, this 28-cent rate remaining in effect until about January 1, 1905, when it was reduced to 26 cents. It developed in this investigation that a most unusual rule for assessment of rates applied at Uniontown. It seems that the rate from this latter point depends upon the manner in which grain is brought into Uniontown; that is to say if it is transported to that point by water one rate exists, but if transported by wagon or some other conveyance a higher rate is charged.

The present adjustment of rates from these two points and especially that from Morganfield, is a striking illustration of the injustice of changing rates once established without a full knowledge and fair consideration of the effect of the change upon contiguous territory as well as upon the point immediately affected. It was shown by one witness that he owned an elevator at Morganfield and one at Uniontown, the Uniontown rate being 4 cents less than that of the Morganfield rate; he had been able to dispose of the grain in his Uniontown elevator, but that he could do nothing with the contents of the Morganfield elevator. The proof also discloses that the surplus grain produced in Union county and transported either by rail or water amounts to at least half a million bushels annually. It is therefore seen that the proper adjustment of the rate in question is a matter of considerable moment not only to the growers of Union county, but to those who own elevators at both Uniontown and Morganfield; and in view of the fact that the growers are in the habit

of purchasing their supplies at the point where they sell their grain, it will readily be seen that this adjustment is also a matter of vital importance to the business interest generally of Morganfield. The rate on grain from Ohio river points, such as Cincinnati, Louisville, Owensboro, Henderson, Cairo, Uniontown and Morganfield to Atlanta, had been for years established at 24 cents per hundred. This rate had been voluntarily established by all the railroads engaged in the transportation of grain from and through these Ohio river points to Atlanta and was maintained without interruption until the Illinois Central Railway increased the Morganfield rate to 28 cents and afterwards reduced it to 26 cents about January 1, 1905; on which latter date there was a general voluntary reduction by all the roads to 22 cents per hundred on grain from the aforesaid Ohio river points to Atlanta, but this reduction did not apply to Morganfield, the rate from this point remaining 26 cents per hundred. There is no pretense that this increase was necessary to justly increase the company's revenue. The last annual report of this company to the Railroad Commission shows that its earnings have increased very largely over that of the previous year, and the fact that the rate of 22 cents was voluntarily established by all the roads from the Ohio river points, it is fair to presume that this rate is adequate compensation for the services performed. Grain is transported from Chicago to New York, a distance of about 1,000 miles, for as low a rate as 17½ cents per hundred and at certain seasons of the year as low as 10 cents. Grain is now being transported from St. Louis, Mo., to Louisville, Ky., a distance of 318 miles, at 4 cents per hundred. Numerous other illustrations might be given, and while it may be justly said that the circumstances and conditions attending the transportation of grain from Chicago to New York and from St. Louis to Louisville are somewhat dissimilar to that of the transportation of the same commodity from Uniontown and Morganfield, Ky., to Atlanta, Ga., yet it is a well-known fact that of all commodities grain is among the most desirable species of traffic; it usually moves in large quantities cars can be loaded to their full capacity, the nature of the business permits prompt loading and unloading, the character of service allows the most economical handling of trains with respect to rate of speed and other operating conditions. There is

hardly any kind of traffic which can be transported at less cost to the carrier than grain. During the past few years the railroads of the country have added largely to their equipment of freight cars and the addition has been almost entirely in cars of larger capacity. The capacity of these modern cars range from 60,000 to 80,000 pounds capacity, the average being probably 65,000 pounds, therefore taking a 65,000-pound capacity car loaded with grain to be transported from Morganfield to Atlanta at 22 cents per hundred would yield a revenue of $143 per car, and by the short-line route nearly 1 cent per ton per mile as against the average on all railroads in the United States of a fraction over 7½ mills per ton per mile. The short-line rail distance from Morganfield to Atlanta is about 450 miles; at the present rate of 26 cents per hundred this would yield about 1 cent and 1 mill per ton per mile; at the 28-cent rate the short distance would yield about 9.8 mills per ton per mile, the average revenue per ton per mile, on all railroads in the United States for the year ending July 1, 1903, was 7.63 mills, that of group 5, to which the Illinois Central Railway belongs, was 8.27 mills per ton per mile. When this complaint was heard and the fact of the injustice of this increase of rate and this discrimination against Morganfield was so clearly established, the Commission felt confident that the Illinois Central Railway Company would without hesitance reduce this rate to 22 cents. It seemed to the Commission that any railroad corporation at all inclined to deal justly and fairly with the shipping public, when advised of the hardship that this particular increase of rate and discrimination entails upon the grain producers, dealers and business interests generally at Morganfield would have, without hesitancy, made the correction.

The Commission is of the opinion that both Morganfield and Uniontown should be given a uniform rate of 22 cents per hundred on grain to Atlanta and in view of the fact that a proper adjustment of this rate has not been made and that delay is greatly retarding the grain and business interests thereby affected, the Commission deems it to be its duty to appeal to the Interstate Commerce Commission for relief in the premises. This will be done at the expiration of five days from this date should said company fail to reduce said rate to 22 cents per hundred; and the Commission will take all other necessary

steps to enforce said reduction. All other matters involving the question of intrastate rates to which the attention of the Commission was called at this investigation are continued for such further action and orders as may be deemed proper.

C. C. McCHORD, *Chairman,*
McD. FERGUSON,
A. T. SILER,
Commissioners.

COPY ATTEST: MOSES R. GLENN,
Secretary Railroad Commission.

FRANKFORT, KY., May 23, 1905.

E. F. SPEARS & SONS, *Plaintiffs,*
vs. OPINION.
LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Complainants, E. F. Spears & Sons, are residents of, and engaged in the grass seed and hemp business at Paris, Ky. There are several other firms at Paris engaged in the same business. There are a number of firms engaged in the same business at Lexington and Winchester, Ky. Bourbon, Fayette and Clark counties adjoin and produce large quantities of hemp and grass seed, and the principal market for these products are Eastern cities such as New York, Valley Falls, Schaghticoke and Brooklyn, N. Y. Also Ludlow, Boston, Andover and Plymouth, Mass.; likewise Philadelphia, Pa., and Oakland, Cal., but the principal market seems to be the Eastern cities. The distances from Lexington, Winchester and Paris are approximately the same to these markets. Lexington is served by the Louisville & Nashville Railroad, Chesapeake & Ohio Railway and the Cincinnati, New Orleans & Texas Pacific, Winchester being served by the Louisville & Nashville and the Chesapeake & Ohio; while Paris is served alone by the Louisville & Nashville Railroad in the transportation of these products to the markets indicated. The rate for the transportation of hemp from Winchester and Lexington to New York is 30 cents per hundred carload lots, 20,000 pounds minimum weight, and the rate on grass seed from and

to the same points in carload lots, 30,000 pounds minimum weight, is also 30 cents per hundred, while the rate on the same commodities from Paris, Ky., to the same point is 34 cents per hundred. In each instance there is a differential of 4 cents per hundred in favor of Lexington and Winchester as against Paris in the transportation of both hemp and grass seeds. This same differential exists to the other markets hereinbefore enumerated; in other words, the dealer in hemp and grass seeds at Paris, Ky., is required to pay a rate of 4 cents in excess of the Lexington-Winchester rate, and it therefore follows when the Paris dealer gets his hemp and grass seed into these markets he must sell at a price which, on account of this differential, nets him 4 cents less than that which his neighbor at Lexington and Winchester is able to obtain. Paris is nineteen miles from Lexington and eighty miles from Cincinnati, the distance from Lexington to Cincinnati being ninety-eight miles. The rate charged by the Louisville & Nashville Railroad Company for the transportation of grass seed and hemp from Lexington to Cincinnati, passing through Paris, is in every instance 4 cents per hundred higher than that charged for the transportation of the same commodity from Paris to Cincinnati and the markets named. In the division of the through rate to the markets above enumerated the proportion allowed by the connecting carriers to the Louisville & Nashville is 6 cents per hundred from Lexington and Winchester, while from Paris to these same markets the Louisville & Nashville's proportion is 10 cents per hundred. The distance from Lexington, Paris and Winchester to New York is approximately 800 miles, or, to be exact, the distance from Paris is 838 miles, while the short-line distance from Lexington is about 800 miles, and from Winchester it is about 785 miles, the rate from Lexington via the L. & N. to New York being 30 cents per ton, and the L. & N.'s proportion of this rate for its haul of ninety-eight miles to Cincinnati being 6 cents, is one-fifth of the total rate for performing ninety-eight miles of the 858 miles service, and for a similar service from Paris its proportion of the rate is 10 cents per hundred, one-third of the total rate for eighty miles of the 838-mile haul.

The rate per ton per mile for the entire haul from Paris to New York on both hemp and grass seed is about eight mills, and out of this the Louisville & Nashville Railroad gets 1.2

cent per ton per mile. It seems that these rates are based upon the present scheme or basis which has been in effect for some twenty-five or thirty years for making rates to and from points in Kentucky and elsewhere south of the Ohio river to and from Eastern seaboard cities and what is known as trunk line territory; that is, the rate from New York to Chicago is fixed as the standard and is called 100 per cent. Under existing arrangements the roads leading from the East publish rates and issue through bills of lading to all points located on the railroads within the territory west of Buffalo and Pittsburg, east of the Mississippi and north of the Ohio rivers. These through rates to the Ohio river are computed at a percentage of the New York-Chicago rates based generally on the relative mileage of such points to the Chicago mileage. Louisville takes the Chicago rates while Cincinnati being a nearer point takes 87 per cent. of the New York-Chicago rate; thus it will be seen that on traffic from the territory above described through rates as above indicated are made to the Ohio river, but with only a few exceptions are any such through rates given to points south of the Ohio river When traffic from this Eastern territory reaches points on the Ohio river a full local rate is added to the through rate to the river, thus imposing a considerable burden on commodities transported to points in the entire Southern territory. In the case of transportation of hemp and grass seed from Paris to the Eastern market the full local rate is charged from Paris to Cincinnati, and this is the portion which the L. & N. demands and receives while the carriers north of the river receive their proportion of the through rate where it is handled by more than one railroad. On nearly all commodities except hemp and grass seed Paris is given the Lexington rate, and why this exception is made no satisfactory explanation has been given to the Commission. It seems to the Commission that from a railroad standard a reduction of this Paris rate to Lexington would enure greatly to the benefit of the L. & N. Railroad Company for the reason that all shipments from Lexington and Winchester to the East naturally come over the line granting the lowest rate, and it is perfectly natural for the producers residing in Bourbon county, where it is practicable for them to do so, will haul this product by wagon to Lexington in order to avail themselves of the lesser rate from that point, whereas if the same rate ob-

tained from Paris they would naturally haul to Paris and ship from that point. In the latter instance the Louisville & Nashville Railroad would get the full haul to Cincinnati, whereas if it is shipped from Lexington the Chesapeake & Ohio, being the short-line distance, the bulk of this traffic would naturally go over its short line in preference to the longer line via the Louisville & Nashville through Cincinnati and in addition the competition with the C. & O. and C., N. O. & T. P. at Lexington is a potent factor. The average rate per ton per mile received by the Louisville & Nashville Railroad Company upon its lines is less than eight mills, while as above shown for the transportation of hemp and grass seed from Paris to Cincinnati it gets 2 cents and 5 mills per ton per mile.

The Commission is therefore of the opinion that the rate on hemp and grass seed from Paris should be no more than the rate from Lexington and Winchester. It is fair to assume that the Lexington and Winchester rate is just and reasonable in view of the fact that this rate has been in effect for quite a while and was voluntarily made by the railroad companies engaged in this traffic. In view of the fact that the Louisville & Nashville Railroad Company has declined to place Paris upon a Lexington basis so far as hemp and grass seed is concerned, it is therefore ordered that a petition be filed by this board with the Interstate Commerce Commission for the purpose of requiring said Louisville & Nashville Railroad Company to make a reduction of its rates as herein indicated, and the Commission will take all other necessary steps bearing upon the questions raised by and growing out of this complaint.

C. C. McCHORD, *Chairman,*
McD. FERGUSON,
A. T. SILER,
Commissioners.

ATTEST: M. R. GLENN,
Secretary Railroad Commission.

FRANKFORT, KY., June 21, 1905.

Application having been made to the Railroad Commission by the Louisville & Atlantic Railroad Company for exoneration from the provisions of the long and short sections of the Con-

stitution and statutes on the transportation of coal from Beattyville mines to Louisville, Ky., in connection with the Southern Railway in Kentucky Company; and the Commission having investigated and being now advised, it is ordered that on the transportation of coal from said mines to Louisville, Ky., said company is, until otherwise ordered by this board, exonerated from said provisions, and is, until further ordered, permitted to charge, collect and receive a less rate for the transportation of coal over its lines in connection with said Southern Railway in Kentucky from said mines to said city of Louisville, Ky., than it charges, collects and receives for the transportation of said commodity to stations between said points.

The Commission reserves the power to change, modify or revoke this order when it may deem proper.

C. C. McCHORD, *Chairman,*
McD. FERGUSON,
A. T. SILER,
Commissioners.

ATTEST: M. R. GLENN,
Secretary Railroad Commission.

FRANKFORT, KY., July 13, 1905.

CITIZENS OF SHELBY COUNTY, *Plaintiff,*
vs. OPINION AND ORDER OF THE COMMISSION.
THE ADAMS AND SOUTHERN EXPRESS COMPANIES, *Defendant.*

There is no controversy here regarding the material facts alleged as the basis of this complaint. It seems that some time ago the legislative department of the city government of Shelbyville, Ky., which is a city of the fourth class, passed a series of ordinances imposing license or occupation taxes upon those engaged in certain professional and business avocations; among others, such a tax or license was imposed upon all express companie and is embraced in section 210 of the ordinances of Shelbyville, which is as follows: "For the occupation or business of handling for pay express packages in the city of Shelbyville, carried and delivered entirely within the State of Kentucky and

not transported to or from another State, and not done for the Government of the United States, its officers or agents, each express office, company, corporation or agency shall pay, and is hereby required to pay, to the said city a license fee or tax of $25 per annum." Whether this ordinance is wise or just legislation is not a question within the province of this Commission to determine. We find that the legislative department of this city's government has regularly enacted this ordinance into a law, and it must stand as such until condemned by some court of competent jurisdiction. The answer of defendants, as well as the brief of their counsel, very candidly and clearly states the position of defendants regarding this ordinance—quoting from counsel's brief: "The express companies have therefore felt that they had a just cause of complaint against this ordinance, but being law-abiding citizens they have paid this license tax since the ordinance was adopted, at all times, however, under protest, and they have felt at all times that it being a local and unjust burden and exaction that they had the legal right to shift that burden to the people whose local government got the benefit of the license tax; hence, since this ordinance has been in force the express companies have at a certain period in each year charged on all packages shipped to and from Shelbyville by their lines one cent in addition to the charge they make during the balance of the year; this one cent per package is imposed just so long and no longer as its imposition will raise the sum of twenty-five dollars with which to meet this unjust license tax." Defendants, upon the hearing of the case demurred to the jurisdiction of this Commission to either hear or determine the complaint, and in their brief, counsel for defendants say: "The complaining shippers here, if they are entitled to any relief, are seeking relief in the wrong forum. We insist that nothing can be done under the state of facts here, by either the Commission or the courts as against the express companies, but these complaining shippers must seek relief, if they are entitled to any, before the Legislature, and we respectfully ask that their complaint be dismissed."

Section 218 of the Constitution provides: "It shall be unlawful for any person or corporation owning or operating a railroad in this State, *or any common carrier,* to charge or receive any greater compensation in the aggregate for the trans-

portation of passengers or property of like kind, under substantially similar circumstances and conditions for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any common carrier or person or corporation owning or operating a railroad in this State to receive as great compensation for a shorter as for a longer distance; provided, that upon application to the Railroad commission such common carrier, etc., may in special cases, after investigation by the Commission, be authorized to charge less for a longer than for shorter distances, etc." Section 820, Kentucky Statutes, provides: "If any person owning or operating a railroad in this State *or any common carrier,* shall charge or receive any greater compensation in the aggregate for the transportation of passengers or property of like kind, under substantially similar circumstances and conditions, for a shorter than for a longer distance, over the same line in the same direction, the shorter being included within the longer distance, such persons shall for each offense be guilty of a misdemeanor and fined not less than one hundred nor more than five hundred dollars. . . . Upon complaint made to the Railroad Commission that any railroad or *common carrier* has violated the provisions of this section it shall be the duty of the Commission to investigate the grounds of complaint, and if, after such investigation, the Commission deems it proper to exonerate the railroad or *common carrier* from the operation of the provisions of this section, an order in writing to that effect shall be made by the Commission . . . If the Commission after investigation fails to exonerate the railroad or carrier from the operation of the provisions of this section, an order in writing to that effect shall be made by the Commission and a copy thereof delivered to the complainant and the railroad or common carrier, and the same shall be published as a part of the report of the Commission; and after such order it shall be the duty of the Commission to furnish a statement of the facts, together with a copy of its order, to the grand jury of any county, the circuit court of which has jurisdiction, in order that the railroad company or carrier may be indicted for the offense; and the commission shall use proper efforts to see that such company or carrier is indicted and prosecuted."

It developed upon the hearing of this complaint that the extra charge of one cent per package imposed by the defendants resulted in these companies charging a greater sum for the transportation of commodities for the shorter distance from Louisville, Ky., and other points in Kentucky to Shelbyville than for the longer distance to Bloomfield, Ky., and other points in Kentucky beyond Shelbyville over the same line and in the same direction, the shorter being included in the longer distance and for the transportation of property of like kind under substantially similar circumstances and conditions. Counsel for the defendants insist with much earnestness that under the decision of the Supreme Court of the U. S., in the case of the American Express Company v. Maynard, Attorney General of the State of Michigan, 177 U. S., page 823, they have a perfect right to make the charge complained of; but from a careful reading of this case the Commission is of opinion that the principles there laid down are not in conflict with the conclusions we have reached in this controversy. The case referred to is popularly known as the "Stamp Act Case."

The Congress of the United States, on June 13, 1898, passed an act commonly designated as the "War Revenue Act," by which it was made the duty of express companies on receiving a package for carriage to issue a receipt for such package and providing that the receipt thus issued should bear a one cent stamp. The State of Michigan, by its Attorney General, instituted proceedings against the American Express Companies for a mandamus requiring the express companies to stamp these receipts instead of compelling the shipper to do so. It was alleged that by reason of the company requiring its patrons to stamp these packages it resulted in the express company illegally avoiding the payment of a tax which Congress had imposed upon it. The answer of the express company admitted that it required persons who tendered packages for carriage by express either to pay or provide the means for defraying the cost of the one cent stamp, but denied that its conduct in so doing was a violation of the act of Congress by which the one cent taxes on express receipts was imposed. It further averred that when properly considered, the act of Congress, although imposing the absolute duty upon the company to issue the receipt for every package, left the question of who should pay for the stamp for

adjustment between the shipper and express company. It was, moreover, alleged that the company had in effect but increased its rates on each shipment by adding to the previous rates the cost of the stamp; that this increase of rate applied to all shippers throughout the United States and that this increased rate was a *just and reasonable rate and was not extortionate or discriminating.* A demurrer was filed to this answer, thereby admitting the allegations thereof to be true, and upon the pleadings thus made, the supreme court in a lengthy opinion by Mr. Justice White, after fully reviewing the facts and numerous authorities, held that the express company had a right, in the absence of any questions as to the reasonableness of the rate, to require its patrone to furnish or pay the stamps used upon these receipts, and said: "The mere fact that the stamp duty is imposed upon a common carrier does not divest such tax of one of its usual characteristics or justly imply that the carrier is in consequence of the law deprived of its lawful right to fix reasonable rates. Unquestionably a carrier is subject to the requirement of reasonable rates, but as we have seen, no question of the intrinsic unreasonableness of the rates charged arises on this record or is at issue in this case, etc."

Thus it will be seen that in the case cited there was no question as to the express company having charged more than just and reasonable rates with the stamp tax added to its former rates, nor was there any question as to its having violated the laws of any state by reason of its increase of rates; whereas in the case we now have under consideration the increase of rate at Shelbyville, by reason of the addition of the one cent to the former rate violates not only the statutes of the Commonwealth of Kentucky, but its Constitution as well, in that by reason of this increase of rate, or, as defendants put it, shifting the burden of this license tax, it results in the imposition of a greater charge for the shorter distance to Shelbyville than for the longer distance to points beyond over the same line and in the same direction for the transportation of property of like kind under substantially similar circumstances and conditions, the shorter being included within the longer distance. There can be no question but that the defendants are common carriers within the meaning of section 218 of the Constitution and 820 of the Kentucky Statutes. And it is the duty of this Commission to

enforce these laws against all *common carriers,* whether railroads or express companies. If the ordinance imposing this license tax is valid, then it is the duty of defendants to pay this tax and not evade it; but if the ordinance is invalid, there is a speedy way for defendants as "law-abiding citizens" to have this question determined in the courts, which is the only forum in which it can be determined. We fail to appreciate defendant's contention that it, as "a law-abiding citizen," has a right to determine for itself that a law enacted by the legislative department of one of the Commonwealth's municipal governments is a bad law, and undertake in effect to legislate for itself by arbitrarily shifting the burden from its own shoulders and requiring the public to do that which the law says it must do. Defendants contend that it is simply requiring those who have the benefit of the city government at Shelbyville to bear this burden. The proof discloses the fact that this additional charge is not confined alone to citizens of Shelbyville, but shippers residing out in the country and even out of the county who receive express packages at Shelbyville are required to pay this additional rate; however, this is immaterial. The defendants having notified the Commission that they will continue to charge on all packages consigned to Shelbyville the one cent additional rate so long as it may be necessary to reimburse it on account of payment of said license tax as long as the same shall be imposed by the city government of Shelbyville, and being of the opinion that such additional charges are a violation of the law, and it being our duty to enforce the law, it is therefore ordered that this Commission does now hereby refuse to exonerate said defendants, the Adams Express Company and the Southern Express Company, or either of them, from said acts and from the operation of the provisions of sections 218 of the Constitution and 820 of the Kentucky Statutes, and hereby orders that said defendants and each of them desist from said illegal acts.

It is further ordered that this opinion and order be published as part of the next annual report of the Commission; that the secretary of the Commission furnish to complainant and defendants an attested copy of same; that a like copy be filed in the Shelby Circuit Court, and with the grand jury thereof; and this Commission hereby recommends to said court and grand

jury that indictments be returned against said defendants and that defendants be prosecuted for said offense.

The Commission will furnish to said court and grand jury such further information as it may have, and will take all other steps in the premises that may be deemed necessary or proper.

C. C. McCHORD, *Chairman,*
McD. FERGUSON,
A. T. SILER,
Commissioners.

A Copy. ATTEST: MOSES R. GLENN,
Secretary Railroad Commission.

FRANKFORT, KY., August 11, 1905.

J. CAP MORTON AND OTHERS, *Complainants,*
vs. OPINION AND ORDER.
LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Due notice having been given to complainants and defendants, in the above-styled cause, as required by law and the Commission having heard and considered the evidence and argument of counsel for both complainants and defendant and having fully investigated said complaints is of the opinion that the following rates now charged and received by defendant, the Louisville & Nashville Railroad Company, for the transportation of coal per ton of 2,000 pounds, carload lots, from Island, Central City, Bevier, Drakesboro and Mud River to the following points, to-wit: Dunmor, 65 cents per ton; Diamond Springs, Wolf Lick and Lewisburg, 85 cents per ton; Crow Hickman, 80 cents per ton; Petit, Sutherland, Edwards, Epleys and Russellville, $1.00 per ton; Red Oak, Red River and Adairville, $1.20 per ton—all of said points being in the State of Kentucky—are extortionate, unjust and unreasonable. It is therefore ordered that the defendant, the Louisville & Nashville Railroad Company, shall not charge, collect or receive compensation in excess of the following rates, which are hereby made and fixed by this Commission as just and reasonable rates, toll or compensation for the transportation by said defendant of coal per ton of 2,000 pounds, carload lots, from and to said points, to-wit: From

Island, Central City, Bevier, Drakesboro and Mud River to Dunmor, 60 cents per ton; Diamond Springs, Wolf Lick, Crow, Hickman and Lewisburg, 70 cents per ton; Pettit, Sutherland, Edwards and Epleys, 80 cents per ton; Russellville, 80 cents per ton; Red Oak and Red River and Adairville, 90 cents per ton. It is further ordered that copies of this order, certified by the secretary of the Commission be mailed to the general freight agent and to the district attorney of defendant, the Louisville & Nashville Railroad Company, and to complainants and their attorney and all other questions herein are continued for further determination.

C. C. McCHORD, *Chairman,*
McD. FERGUSON,
A. T. SILER,
Commissioners.

FRANKFORT, KY., August 16, 1905.

J. ED GUENTHER AND OTHERS *Complainants*

vs. OPINION OF THE COMMISSION.

THE LOUISVILLE & NASHVILLE AND ILLINOIS CENTRAL RAILROADS AND THE LOUISVILLE, HENDERSON AND ST. LOUIS RAILWAY COMPANIES *Defendants.*

Many interesting as well as intricate questions have been raised by this complaint; a lengthy investigation has been made and the Commission has been very greatly assisted in making the investigation thorough by counsel for both complainants and defendants. The main question to be determined at this time is as to whether the adjustment of rates to and from what is known as Trunk Line and Central Freight Association Territory, to and from Owensboro, Ky., is in and of itself fair and just and relatively so as compared with that of other points similarly situated, and especially as compared with the adjustment of such rates to and from Evansville, Ind., and contiguous territory, and also as to whether the adjustment of rates to and from Southern and Southeastern territory to these points are fair and just. As regards competitive traffic throughout the United States, we learn from the testimony and from the In-

terstate Commerce Commission's Forty Year Review of Railways in the U. S., that the country has been divided by traffic associations organized by and with the concurrence of the railroads into certain defined sections. The rate-making basis of each section, as well as the conditions under which railroads operate, are distinctive in many features. In each of these sections different classifications are used; the territory north of the Ohio and Potomac rivers and east of Chicago and the Mississippi river is one section and uses the official classification; that south of the Ohio and Potomac rivers and east of the Mississippi river is another section and uses the southern classification; that west of Chicago and the Mississippi river is again another section using the western classification, while competitive traffic to and from the Pacific coast is still another also using the western classification as to class rates. The Trunk Line Association embraces the important railroads leading from the Eastern seaboard to such points as Buffalo, Erie, Salamanca, Pittsburg, Parkersburg and Wheeling, these points being known as the western termini of the trunk lines and the eastern termini of the roads in the Central Freight Association territory. For perhaps twenty-five or thirty years these associations and the roads serving this territory and having their connections from the seaboard to the West and to certain points in the South have, by agreement, fixed the through rates from New York to Chicago, the rates thus adopted being the standard or basis for the construction of tariffs from other Eastern cities and points adjacent thereto, either directly or indirectly in competition for Western and certain Southern traffic. Under existing arrangements, the roads leading from the East publish rates and issue through bills of lading to all Western points located on the railroads within the territory west of Buffalo and Pittsburg, east of the Mississippi, and north of the Ohio rivers. These agreed rates from New York to Chicago are taken as the standard, and is called one hundred per cent. Through rates to the principal Western cities and junction points in the territory indicated and in addition thereto to such points south of the Ohio river as Louisville, Owensboro, Henderson and Paducah are computed at a percentage of the New York-Chicago rates based generally on the relative mileage of such points to the Chicago mileage. Louisville very properly takes the Chicago

rate, or 100 per cent; Owensboro, Henderson and Paducah are required to pay 120 per cent. of the Chicago-New York rate on all traffic, while Evansville, Ind., is given 110 per cent. on South-bound traffic and 105 per cent. on East-bound traffic. The basis for making standard class rates between trunk lines western termini points and points taking 100 per cent. or higher, of the rates between New York and Chicago are certain percentages of the rates applying from same percentage points of origin to New York. It is claimed by the shippers of Owensboro that with this difference in rates the industries at Owensboro are not able to compete with those of their neighbors across the river at Evansville. It developed upon this hearing that the 120 per cent. rate was fixed at Owensboro prior to the construction of the Louisville, Henderson & St. Louis Railway to Henderson, thus giving to Owensboro and Henderson a much shorter route than they had previously enjoyed when this basis was adopted. It seems that this adjustment was made on the idea that the traffic to Henderson and Owensboro came by way of Evansville, and on account of the bridge toll at Henderson, it was deemed just and fair to charge the shippers at Owensboro and Henderson 10 per cent. greater rate from Trunk Line and Central Freight Association Territory than was charged to Evansville shippers. It is claimed by defendants that prior to this adjustment Ohio river points on the north bank of the river were required to pay a higher rate to Southern territory than cities on the south bank by reason of bridge and transfer tolls, and it is claimed that in order to overcome this disadvantage and to obtain the direct line to the south the city of Cincinnati undertook and did construct the Cincinnati Southern Railroad, now operated by the Cincinnati, New Orleans & Texas Pacific Railway Company, and built a bridge of its own across the Ohio river as part of that system, thus in effect placing Cincinnati on the south bank of the river along with Louisville and other river cities in Kentucky. It is claimed that this action interfered very materially with the traffic to and from Evansville on the north bank of the Ohio river, and for this reason that Evansville was given an advantage in the adjustment of rates on business to the South as well as to the East, and it is a fact that to-day the rates from Evansville to points south are the same in the main as those prevailing from Owensboro and Hen-

derson, although in the transportation of this traffic from Evansville to the South it necessarily passes over a bridge and must pay toll at Henderson, Ky. One of the main reasons advanced by defendants in justification of the discrimination in favor of Evansville as against Owensboro and Henderson on in-bound business from the North and East is that on business consigned to Owensboro and Henderson from such territory the roads running out of Evensville are allowed but little more than the bridge toll since the real haul is very short, whereas on outgoing business to the South the lines out of Evansville have the long haul and can afford to ignore the bridge tolls which are absorbed in the rate. The fallacy of this argument would seem to be apparent so far as in-bound shipments from the East are concerned, since it was clearly demonstrated that this traffic generally passed through Louisville, and is there turned over to the Kentucky roads for transportation to Owensboro and Henderson, thus securing to the Kentucky roads a long haul out of the business and their agreed proportions of the rate. There would seem to be no good reasons therefore why the rate to Owensboro and Henderson should be made 10 per cent. higher than to Evansville on the theory of the short haul via Evansville when the fact is such business does not move through Evansville at all, but comes from the North and East through Louisville. Defendants claim that the roads north of the river make the through rate from the East and that they can not control this situation. Conceding for the sake of argument that this were true, yet it is well known that the defendants, the Louisville & Nashville and Illinois Central railroads absolutely control the situation so far as traffic from Evansville to the South is concerned and yet without any apparent good reason, the bridge arbitrary is ignored on out-bound business to the South from Evansville, thus placing that city on an even footing with Owensboro and Henderson as to Southern trade, whereas the bridge arbitrary is charged against Owensboro and Henderson shippers not only upon all in-bound shipments from the North and East, but upon everything that is shipped out of Owensboro and Henderson across the river to points in Indiana, Illinois and elsewhere in the Northwest. Even if Owensboro and Henderson had no bridge toll to pay on business going in that direction they would be at a disadvantage as against Evansville,

a larger jobbing point, and nearer and more convenient to that territory, and especially with Owensboro having no direct bridge or transfer connection with the north bank of the river. It is therefore apparent that Evansville has been placed upon equal footing with Owensboro and Henderson as regards Southern business, and is given a very great advantage to and from all points North and West. The Louisville, Henderson & St. Louis Railway, through its connections at Louisville, and by reason of its close traffic arrangements with the Louisville & Nashville Railroad and its connections, is enabled to compete for, and does transport a large portion of, the traffic from the East to and from Evansville, passing directly through both Owensboro and Henderson, charging a less rate for the longer haul to Evansville than for a similar service rendered shippers at Owensboro and Henderson. Upon traffic thus routed, the question of bridge toll does not enter into the proposition at all so far as Owensboro or Henderson are concerned, for the reason that when freight from points north of the Ohio river destined to either Owensboro or Henderson crosses the bridge at Louisville, it is still in 100 per cent. territory and has no other bridge to cross after reaching Louisville enroute for Owensboro or Henderson. This is practically the same condition as exists on business destined to Evansville via lines north of the river. After it reaches a 100 per cent. point, say Vincennes or Terre Haute, the distance from Terre Haute to Evansville being practically the same as regards traffic from the East, especially so in view of the fact that what is commonly known as trunk line railroad does not enter either city. Freight destined to Evansville is transported by one or the other of the trunk lines to points like Vincennes or Terre Haute, and there turned over to some local road like the Evansville & Terre Haute, or the Evansville and Indianapolis railroads to be transported over their rails to Evansville. Upon the other hand, freight from the same territory destined to Owensboro or Henderson is transported by one of the trunk lines to Louisville and there turned over to either the Illinois Central, Louisville & Nashville railroads or Louisville, Henderson & St. Louis Railway to be transported to Owensboro or Henderson, as the case may be, over their rails. We find no competitive conditions existing at Evansville that would or do justify a lower rate than

that charged into or from Owensboro or Henderson. The entire trouble regarding rates from Central Freight Association territory has grown out of the demand made some years ago by defendants upon the roads in that territory that in the division of through rates they be allowed a pro rata proportion based upon a mileage of 227 as against the short line mileage 113 miles between Owensboro and Louisville, and of 142 as against the short line of 42 miles between Owensboro and Evansville, and their refusal to accept their proportion of rates based upon the short line mileage.

The Commission is of the opinion that defendants are violating the fourth section of the act to regulate interstate commerce in that they, in connection with the Cumberland Gap Dispatch and their various connecting carriers, notably, the Baltimore & Ohio Southwestern, the Chicago, Indianapolis & Louisville, the Cleveland, Cincinnati, Chicago & St. Louis, and the Pennsylvania railroads, charge, collect and receive greater compensation for the transportation of freight to and from New York, N. Y., Boston, Mass., Philadelphia, Pa., Baltimore, Md., Richmond, Va., Norfolk, Va., and all other points taking same rates to and from Owensboro and Henderson, Ky., than that charged for similar services to and from Evansville, Ind., on a like kind of traffic, under substantially similar circumstances and conditions for the short haul to and from Owensboro and Henderson, Ky., than that charged to and from Evansville, Ind., a greater distance over the same lines and in the same direction, the shorter being included within the longer distance. The Commission is further of the opinion that the said defendants and said connecting carriers are violating sections 1, 2 and 3 of said act to regulate commerce, in that the adjustment of rates and the amounts charged, collected and received for the transportation of commodities to and from said points to Evansville, Ind., and Owensboro and Henderson, Ky., are a discrimination in favor of said Evansville, Ind., as against said cities of Owensboro and Henderson, Ky., and in that the rates charged, collected and received for the transportation of commodities to and from both trunk line and Central Freight Association territory, are in and of themselves unjust and unreasonable and unjustly discriminate against Owensboro and Henderson, and give to Evans-

ville and territory contiguous thereto an undue and unreasonable preference and advantage.

It is therefore ordered that a petition be filed with the Interstate Commerce Commission praying that all necessary orders be entered and proceedings had to the end that said illegal acts upon the part of the defendants, and their connecting carriers may be prohibited, and for all other necessary and proper relief in the premises. All other questions herein are continued for future determination.

C. C. McCHORD, *Chairman*
McD. FERGUSON, *Commissioner First District,*
A. T. SILER, *Commissioner Third District,*

A Copy. ATTEST: MOSES R. GLENN,
Secretary Railroad Commission.

FRANKFORT, KY., August 16, 1905.

FRANKFORT KY., October 31, 1905.

ADKINS COAL CO., *Complainant,*
vs. ORDER.
A. C. & I. AND C. & O. RY. CO., *Defendants.*

The Commission, after a full hearing of the complaint herein of the Adkins Coal Company against the Ashland Coal & Iron and Chesapeake & Ohio Railway companies, is now of the opinion, and so orders, that the through rates for the transportation of coal from all mines upon the line of the A. C. & I. road be apportioned between the A. C. & I. and C. & O. railway companies upon the following basis, viz.: The Chesapeake & Ohio Railway Company will allow the Ashland Coal & Iron railway company its mileage haul plus two dollars and a half ($2.50) per car, on all coal going to the Lexington and Cincinnati districts via Denton and Ashland respectively, the divisions to remain as they are on coal going to the Huntington district, as per tariff F-3302 and division sheet No. 1, the $2.50 not to be allowed on coal going to the said Huntington district. It is further ordered

that the coal billed on the agents at Denton and Ashland from and including October 10, 1905, shall be settled for on the above basis.

C. C. McCHORD, *Chairman,*
McD. FERGUSON,
A. T. SILER,
Commissioners.

ATTEST: M. R. GLENN,
Secretary Railroad Commission.

BEFORE THE RAILROAD COMMISSION OF KENTUCKY.

THE NORMAN LUMBER CO. AND OTHERS, *Complainants,*
vs. OPINION AND ORDER.
THE LOUISVILLE & NASHVILLE RAILROAD CO. AND OTHERS, *Defendants.*

While the entire question of rates upon all railroads to and from all points in the State of Kentucky is now pending before and being considered by this Commission, the question of the reasonableness of rates upon logs, lumber and crossties has been raised specially by the complaints of the Norman Lumber Company, the Louisville Veneer Mills and Others, in which complaint it is alleged that all rates to and from all points in the State upon these commodities are extortionate, unjust and unreasonable.

At a former hearing at Frankfort it was agreed by counsel for complainants and defendants that the following preliminary questions should be heard and determined in advance of the general hearing as to the reasonableness of all rates, viz.:

First.—As to the reasonableness of the rates upon crossties.

Second.—Whether a differential shall be allowed in favor of oak, poplar, and other so-called low grades of logs and lumber as against walnut, cherry and cedar logs and lumber which are denominated woods of value, and whether there should be allowed a differential in favor of lumber as against logs; and,

Third.—Whether the railroads should be allowed to charge

for the transportation of stakes or standards furnished by the shippers in the equipment of flat cars, for the transportation of logs and lumber.

As to the first proposition it is contended by complainants that the rates for the transportation of crossties should be no greater than the rate upon the common grade of lumber. As to the second question, it is contended that the rate for the transportation of walnut, cherry and cedar logs and lumber should be no higher than that upon oak, poplar and other lumber and logs. As to the third question it is contended that the shippers are required to furnish the stakes or standards for the equipment of flat cars, and that it is unjust and unreasonable to require them to pay for the transportation of such equipment; that the railroads should be required to furnish these standards, as they are a necessary part of the equipment of the cars.

The evidence so far adduced as to rates upon lumber, logs and crossties has been confined in the main to the foregoing propositions, and the Commission is now called upon to determine these three questions, reserving for future determination all other questions as to the reasonableness of rates upon lumber and logs.

The evidence discloses the fact that with some exceptions a very much higher rate is charged for the transportation of crossties than is charged for the transportation of lumber, and in almost every instance the railroads discourage the movement of this commodity off of their lines. No good reason has been shown why this practice should be permitted to prevail. It was clearly shown, and it is a well-known fact, that crossties are less valuable than the low grades of lumber. In one instance it was proven that the rate upon ties was at least two and one-half times that of the rate upon lumber. This extraordinary rate is in effect upon the Louisville & Nashville Railroad, and has been in force for a great number of years. With such a rate in effect, the movement of this commodity from points upon the line of this railroad has been prohibited, and the producer has been forced from necessity to dispose of his crossties to the railroad charging this rate. While a great deal of testimony has been offered, yet nowhere do we find any attempt at a justification of this rate; indeed, counsel for the Louisville & Nashville Railroad Company very frankly admitted that there was no real justification for it.

In view of the increased mileage of the railroads in Kentucky the crosstie industry has increased very considerably in this State. There are now 3,374 miles of railroad in the State. Upon each mile of railroad there is an average of from 2,850 to 3,000 crossties. It will be seen, therefore, that there are, in round numbers, about 10,000,000 crossties in this total mileage. The life of a crosstie is about seven years; consequently, it may be fairly assumed that the railroads in Kentucky alone consume annually in the neighborhood of 1,250,000 ties. It will be readily seen that the importance of this industry should not be underestimated.

A mere statement of these rates is sufficient argument in favor of their reduction. The Commission is of opinion that the rates upon crossties should be no higher than the rates upon common lumber. It will not do to say that because these ties are a necessity to the railroads they should be permitted to charge a rate for their transportation in excess of what may be deemed just and reasonable for the service performed.

This brings us to the question as to whether the railroads in the State should be permitted to charge a higher rate for the transportation of walnut, cherry, and cedar logs and lumber than is charged for the transportation of oak, poplar and other so-called inferior grades of lumber. For many years in Kentucky walnut logs and lumber brought in the market a sum largely in excess, both for the logs and lumber, of the price obtained for other logs and lumber, but it has been clearly demonstrated by the evidence on this investigation that there is no substantial difference in the value of the manufactured product of any of these timbers. It may be noted that while there formerly existed a wide divergence in the price of the low-grade logs and lumber, oak, poplar, etc., as compared with the so-called woods of value, walnut, cherry and cedar, the introduction of the process of quarter-sawing oak, and the general advance in the price of lumber of the lower grades have brought these commodities much nearer together in value. The evidence establishes the fact that while in former years the supply of walnut logs was of fair size and good quality, that timber has been cut out until the logs at present available are of small size and poor in quality; and the evidence of one witness, based on a recent test, goes to show that it now requires seventeen pounds of the

raw material in walnut to make a square foot of the finished product, whereas of the oak it only requires ten pounds to make a square foot. The evidence also shows that the seasoned lumber from the walnut logs manufactured by this witness would not exceed 30 per cent. of the weight of the log, and that the weight of the lumber produced from the oak log would not exceed 40 per cent. of the log weight. It is also shown that in the manufacture of these small walnut and cherry logs there is a much greater waste than in the manufacture of other varieties of logs, on account of the difference of size, and that the percentage of the upper grades in the walnut is far below the percentage in the upper grades of oak or any other lumber manufactured. This estimate does not include cedar, for the reason that there is very little cedar lumber now manufactured. It is true that the cost of sawing walnut lumber is about one dollar per thousand in excess of the cost of sawing ordinary plain oak, but when we consider the cost of manufacturing the quarter-sawed oak along with the plain-sawed oak, it would probably be about the same average cost per thousand feet when manufactured; in other words, there is a much larger waste in sawing the smaller walnut logs than there is in sawing the oak and poplar logs.

It has been estimated that at least 35 per cent. of the tonnage south of the Ohio river is that of the products of the forests. The manufacture of these products is one of the greatest industries in the State of Kentucky, and with just and reasonable freight rates is susceptible of the highest development.

The Commission is of the opinion that there is no justification for a difference in the classification or rate upon any of these different grades of logs, and the same is true as to the different grades of lumber. The Commission is of opinion, however, that a lower rate should prevail for the transportation of logs than that charged for the transportation of lumber, and that no higher rates should be charged for the transportation of walnut cherry and cedar lumber than that now charged, collected and received for the transportation of the so-called lower grades of lumber; that is to say, that the rate for the transportation of walnut, cherry and cedar lumber should be the same as that now charged for the transportation of oak, poplar, gum, ash and all other grades of lumber. The Commission is further of the opinion

that the rates upon walnut, cherry and cedar logs should be no higher than that charged for the transportation of oak, poplar and all other low-grade logs, and that the rate for the transportation of all logs should be at least 30 per cent. lower than that charged for the transportation of the so-called lower grades of lumber.

As to the question of stakes or standards, the Commission is of the opinion that no charge should be made for transporting the same.

The Commission does not view with favor and now condemns the practice in vogue whereby the railroads depart from their published tariffs by granting rebates only to the shippers of logs who manufacture and reship over their lines—especially in view of the fact that this is not a published tariff issued for the benefit of all the shippers of the State, but is in the nature of a circular issued for the benefit of the manufacturers alone. We are of the opinion that all rates should be published, placed in the hands of all agents of the railroads for the information of the entire public and posted in their respective stations as all other tariffs are required to be posted.

It is therefore ordered, that the Louisville & Nashville Railroad Company, Illinois Central Railroad Company, Cincinnati, New Orleans & Texas Pacific Railway Company, Chesapeake & Ohio Railway Company, Lexington & Eastern Railway Company, Southern Railway Company in Kentucky, Louisville, Henderson & St. Louis Railway Company, and Louisville & Atlantic Railroad Company, and each of them, shall so revise their tariffs, classifications, rules and regulations as to (1) make their rates on walnut, cherry and cedar lumber no higher than the rates now shown by their published tariffs on oak, poplar and other grades of lumber, and that their rates on walnut, cherry and cedar logs be no higher than the rates now shown by their published tariffs on oak, poplar and other grades of logs, and that said log rate be no more than 70 per cent. of their lumber rate so fixed herein; (2) make their rates on crossties no higher than their rates on lumber as fixed herein, and (3) make no charge for the transportation of stakes or standards used in equipping their flat cars for the transportation of logs and lumber. It is also ordered that each and all of said railroad companies shall charge, collect and receive no higher rates for the

transportation of the aforesaid commodities than the rates fixed herein, and all rates in excess thereof are declared to be extortionate, unjust and unreasonable. All tariffs, classifications, rules and regulations in conflict herewith are hereby condemned. All other questions herein are reserved for future determination, and the Commission expressly reserves the power to revise, alter or amend the rates herein fixed, or to revoke, modify, or extend this order, when deemed just and proper. It is further ordered that this opinion and order shall be entered upon the record book of the Commission at its office in Frankfort, and an attested copy thereof furnished by registered mail to an officer, agent, or employe of each of the above-named railroad companies, and to said complainants.

This December 7, 1905.

C. C. McCHORD, *Chairman,*
McD. FERGUSON,
A. T. SILER,
Railroad Commissioners.

A Copy. ATTEST: C. C. McCHORD,
Chairman.

In compliance with section 824, Kentucky Statutes, the following synopsis of complaints from the last annual report is reproduced for the information of the General Assembly of Kentucky:

J. M. KELLY, ETC., LEXINGTON, KY.,

vs.

SWIFT & COMPANY AND NELSON, MORRIS COMPANY, ETC

Subject: Unlawful practice of retailing packing house products at local stations, from cars consigned for interstate shipments, at less than carload rates.

A number of the representatives of the traffic departments of various railroads and also the manager of the Swift and Armour companies were summoned before the Commission and their depositions taken. Each and all of them gave emphatic testimony to the effect that no such practice prevailed. In fact, it was proven by these witnesses that all packages delivered at local stations were billed at the regular tariff rate, less than carload rates, and that the full local rate was paid in every instance. A copy of these depositions was forwarded to complainants, with request that they furnish the Commission the names of witnesses to substantiate their complaint. Complainant was also requested to fix a date on which the Commission would take his and the depositions of other witnesses, all of which he has failed to do. While complainant is probably in error regarding the actual rate charged, yet the fact that Armour & Company and Swift & Company, and other similar concerns, own their own refrigerator cars in which their products are transported, and for which the railroads pay three-quarters of a cent mileage, practically give the owners of such cars a monopoly where they are competitors of those who do not own them; and where the compensation paid by the railroads for the use of these cars exceeds a reasonable sum, the owner of the car is thereby given a preference in the matter of freight rates over the shipper who owns no cars. This proposition will be further investigated by the Commission.

GEO. C. STAIRS, PULASKI, KY.,

vs.

C., N. O. & T. P. RAILWAY COMPANY.

Subject: Failure to maintain agency at Pulaski. After full investigation, the defendant company was notified by the Commission that the establishment and maintenance of an agency and depot at Pulaski was necessary for the accommodation of the traveling and shipping public. The request was complied with and an agency established.

THE LUMBERMEN'S CLUB OF LOUISVILLE, KY.,

vs.

LOUISVILLE CAR SERVICE ASSOCIATION AND THE SEVENTEEN RAILROADS, MEMBERS OF THAT ASSOCIATION.

Subject: Extortionate demurrage and car service charges, and unreasonable rules governing the same.

This complaint was thoroughly investigated. A large mass of testimony was offered for the consideration of the Commission by all parties in interest. The jurisdiction of the Commission was challenged, but the Commission, having no doubt of its jurisdiction in the premises, gave each side a full hearing and rendered an opinion setting out in full its views upon the subject, and made a set of rules governing car service and demurrage charges on all railroads in Kentucky. These rules are set out in full in the opinion to be found elsewhere in this report. Each and all of the railroads affected by these rules, together with the Louisville Car Service Association, were furnished copies of same, and shortly thereafter an injunction suit was filed by one of the railroads affected thereby and a temporary restraining order was granted by the United States District Court and a day fixed for argument upon the motion to make the temporary restraining order permanent. Before the time for hearing had arrived, an order was entered upon motion of the plaintiff dismissing the action, and these rules have now gone into effect.

JOHN W. LANDRAM AND OTHERS, MAYFIELD, KY.,

vs.

ILLINOIS CENTRAL RAILWAY COMPANY.

Subject: Extortionate coal rates.

During the progress of the investigation of this complaint, the defendant company agreed to and did reduce its rate upon domestic and steam coal to Mayfield, Ky., 15 cents per ton. Complainants requested the Commission to approve such reduced rate, which was accordingly done, and a new tariff issued, and on motion of complainants, this complaint was dismissed settled.

S. T. YOUNG AND OTHERS, GLASGOW, KY.,

vs.

L. & N. AND GLASGOW RAILROAD COMPANLES.

Subject: Extortionate rates on all commodities to and from Louisville and Glasgow, Ky.

This complaint was fully investigated, and, after hearing all the testimony offered by both sides, a reduction of 10 per cent. on all class rates was ordered. The following shows the former and present rates under said order:

	Per 100 lbs.												Per Bbl.	Per 100	Tobacco in hhds.
Class	1	2	3	4	5	6	A	B	C	D	E	H	F	1	
Former rate ..	64	55	49	44	39	36	36	36	22	17	36	36	44	28	31
New rate	58	49	44	40	35	32	32	32	20	15	32	32	40	25	28

	In Car Loads. Per 100 lbs.		Per Car. Live Stock	
Class	L	M	N	Except Hogs.	Hogs, S. D. Sheep, D. D.
Former rate	25	18	13	$36 00	$40 00
New rate	22	16	12	30 00	35 00

GEO. M. SMITH, BURNSIDE, KY.,
vs.
C., N. O. & T. P. RAILWAY COMPANY.

Subject: Erroneous demurrage charges.

This complaint was investigated, and the erroneous charges refunded by defendant to complainant and complaint dismissed settled.

OLIVE HILL FIRE BRICK COMPANY,
vs.
C. & O. RAILROAD COMPANY AND CONNECTING CARRIERS.

Subject: Extortionate rates on fire brick from Olive Hill, Ky., district to Chicago and Chicago points.

Pending the investigation of this complaint, a reduction of 10 cents per ton was made by defendant and its connecting carriers to Chicago and Chicago territory.

W. A. USHER & COMPANY, MAYFIELD, KY.,
vs.
ILLINOIS CENTRAL RAILWAY COMPANY.

Subject: Overcharge merchandise from New York, East St. Louis and Cincinnati to Mayfield, Ky.

An investigation of this complaint disclosed the fact that there was no overcharge, but that the regular tariff rate from New York, East St. Louis and Cincinnati had been charged, and complainant was so notified.

CITIZENS OF HUBER STATION,
vs.
L. & N. RAILROAD COMPANY.

Subject: Insufficient depot accommodations.

This complaint was fully investigated, and the Commission being of the opinion that two additional rooms were necessary to be constructed, the defendant company was notified that such improvements were necessary, and it was recommended that such additions be made in conformity with plans and specifications furnished by the Commission.

CITIZENS OF SHELBYVILLE,
vs.
SOUTHERN RAILWAY COMPANY.

Subject: Inadequate depot facilities.

After a full investigation, it was recommended to the Southern Railway Company that one extra waiting room and other improvements be made at its depot, which was accordingly done.

W. A. FAUCETT, BARDSTOWN, KY.,
vs.
L. & N. RAILROAD COMPANY.

Subject: Extortionate rate on pianos from Bardstown to Campbellsville, Ky.

As a result of an investigation of this complaint, a reduction of 13 cents per hundred in the rate was made, and the excess refunded to complainant.

C. M. LANGDON SCIENCE HILL KY.,
vs.
C., N. O. & T. P. RAILWAY COMPANY.

Subject: Insufficient stock pen at Science Hill.

Defendant company, after being notified by the Commission, erected suitable stock pens, and the complaint was dismissed settled.

W. H. BRYAN AND OTHERS, FRANKLIN, KY.,
vs.
L. & N. RAILROAD COMPANY.

Subject: Insufficient passenger and freight depot at Franklin, Ky.

An investigation of this complaint disclosed the fact that the depot at Franklin was entirely inadequate to accommodate the traveling public. After numerous conferences upon the part of the Commission and citizens of Franklin, with the representative of the L. & N. R. R. Co., a plan was finally agreed upon, and

the company is now engaged in erecting a depot that, in the opinion of the Commission, will be sufficient to accommodate the traveling public at that place, and the city authorities of Franklin have notified the Commission that said improvements are entirely satisfactory.

J. W. KENNEDY,

vs.

C., N. O. & T. P. RAILWAY COMPANY.

Subject: Claim of $49.02 on account of damage to tobacco.

Claim investigated and defendant requested to pay claim, which was done.

FRANK CORCORAN, LEBANON, KY.,

vs.

L. & N. RAILROAD COMPANY.

Subject: Extortionate rate on rough granite from Louisville to Lebanon.

Complainant alleged that he was compelled to pay a rate of 28 cents per hundred on rough granite from Louisville to Lebanon, Ky., which he contends is extortionate. This matter was taken up by correspondence, and defendant company agreed to refund to complainant 20 cents per hundred on presentation of claim for overcharges, and that in the future its rate would be 8 cents instead of 28 cents. All of which was approved and defendant so notified.

AMERICAN SEEDING MACHINE COMPANY, SPRINGFIELD, OHIO,

vs.

L. & N. RAILROAD AND OTHER RAILROADS IN KENTUCKY.

Subject: Refusal to permit stoppage in transit of carload shipments of agricultural implements, and refusal to grant a reduced rate on consignments of old machinery to foundry for the purpose of being remodeled.

This being an interstate matter, complainant was so advised and, further, that if he desired, this Commission would take the matter up with the Interstate Commerce Commission. No response has yet been received.

G. W. LANDRAM, ETC.,
vs.
ILLINOIS CENTRAL RAILWAY COMPANY.

This was a controversy between the counties of Lyon, Livingston and Marshall in regard to the assessment of railroad property, the question involved being the boundary line of the three counties. The Commission, after a full hearing and investigation, assessed the property to the three counties upon what it deemed to be a proper basis.

CITIZENS OF PAINTSVILLE, KY.,
vs.
C. & O. RAILROAD COMPANY.

Subject: Location and erection of passenger and freight depot.

At the request of complainants two members of the Commission visited Paintsville and made a full investigation of the complaint. Various conferences were held with officials of the railroad company and authorities of the city of Paintsville, and the defendant railroad company agreed to donate the sum of $5,500 to be expended in the construction of a bridge and to the building of a roadway leading from Paintsville to its depot. Complainants and the fiscal court of Johnson county accepted the offer and requested the Commission to approve the same, which was accordingly done, and a new freight and passenger depot has since been erected.

CITIZENS OF MAYFIELD, KY.,
vs.
ILLINOIS CENTRAL RAILWAY COMPANY.

Subject: Insufficient depot accommodation.

After full conference with complainants and defendant company and also with the city authorities of Mayfield, Ky., plans were drawn for remodeling the passenger depot at Mayfield, all of which has been fully complied with and all additions and improvements required have been made at that place. All of which, in the opinion of the Commission, is sufficient for the present accommodation of the traveling public.

LOCKRIDGE AND RIDGEWAY, MAYFIELD, KY.,
vs.
ILLINOIS CENTRAL RAILWAY COMPANY.

Subject: Extortionate rates on designated commodities to and from Mayfield, Ky.

Pending the investigation of this complaint, the defendant company reduced its rates, and upon motion of complainant, the complaint was dismissed settled.

MARION F. POGUE AND OTHERS, MEXICO, KY.,
vs.
ILLINOIS CENTRAL RAILWAY COMPANY.

Subject: Petition for a new depot at Mexico.

A member of the Commission visited this place and the defendant company was advised that certain improvements were necessary, which were accordingly made, and this complaint is dismissed on motion of complainants.

J. M. ANDERSON AND OTHERS, FULTON, KY., AND WINGO, KY.,
vs.
ILLINOIS CENTRAL RAILWAY COMPANY.

Subject: Petition for passenger coaches on local freight trains between Fulton and Paducah, Ky.

An investigation of this complaint disclosed the fact that a hardship was being imposed upon the traveling public in requiring them to occupy the freight train caboose. The attention of the proper officials of the defendant company was called to this complaint and the request made that it attach to each of its local mixed trains a regular passenger coach to and from Fulton and Paducah. The request was granted and passenger coaches placed upon each of these trains.

W. S. SEARS, PARADISE, KY.,
vs.
L. & N. RAILROAD COMPANY.

Subject: Extortionate rate on stock peas from Brownsville, Tenn., to Drakesboro, Ky.

An investigation of this complaint showed that complainant had been charged 45 cents per hundred weight on stock peas when the regular tariff rate was 18 cents. The attention of defendant company was called to the complaint and the overcharge was promptly refunded and the complaint dismissed settled.

JOHN BROKAW AND OTHERS, NOLIN, KY.,
vs.
L. & N. RAILROAD COMPANY.

Subject: Petition for additional waiting rooms at Nolin.

This complaint was investigated, and it appearing to the Commission that the depot at Nolin had become unfit for the accommodation of the traveling public, the defendant company was notified to make certain improvements, which, in the judgment of the Commission, was deemed to be necessary. Which improvements have been made, and this complaint is dismissed settled.

A. ALEXANDER AND OTHERS, PLEASUREVILLE, KY.,
vs.
L. & N. RAILROAD COMPANY.

Subject: Petition for additional passenger waiting room and extension of freight room.

An investigation of this complaint disclosed the fact that the waiting room and freight depot were insufficient and the defendant company was notified to make certain improvements, which are now in process of construction.

CITIZENS OF LAWRENCEBURG, KY.,
vs.
SOUTHERN RAILWAY COMPANY.

Subject: Petition for additional waiting room and extension of freight depot.

It appearing to the Commission that certain improvements were necessary to accommodate the traveling and shipping public at this place, the defendant company was notified and very promptly made the additions and improvements recommended by the Commission.

CITIZENS OF VERSAILLES,
vs.
THE SOUTHERN RAILWAY COMPANY.

Subject: Petition for additional waiting room.

The complaint was found to be well taken; an additional waiting room was ordered constructed, which has been done.

HODAPP & MILLER, SPRINGFIELD, KY.,
vs.
L. & N. RAILROAD COMPANY.

Subject: Rate on leather, L. C. L., Louisville to Springfield.

A reduction of 5 cents per hundred pounds on leather from Louisville to Springfield was made, and on motion of complainant, the reduced rate was approved by the Commission and complaint dismissed settled.

SPRINGFIELD WATER AND ELECTRIC LIGHT COMPANY,
vs.
L. & N. RAILROAD COMPANY.

Subject: Failure to furnish cars for transportation of ice.

This complaint was taken up with the proper official of defendant company and an order entered by it for furnishing re-

frigerator cars to complainants regularly, which order has since been fully complied with, and on motion of complainants, is dismissed settled.

ELWOOD HAMILTON AND OTHERS, BENSON, KY.,
vs.
L. & N. RAILROAD COMPANY.

Subject: Abandonment of station.

The defendant company was requested by the Commission to re-establish its agency at Benson, which was accordingly done, and this complaint was dismissed settled.

R. E. GODARD, BURGIN, KY.,
vs.
C., N. O. & T. P. RAILWAY COMPANY.

Subject: Failure to protect and blockading crossing.

An investigation of this complaint disclosed the fact that a watchman was necessary during the entire day. The company entered an order, requiring its watchman to stay at this crossing during the entire day, and this complaint was withdrawn.

E. F. SPEARS & SON, PARIS, KY.,
vs.
L. & N. RAILROAD COMPANY.

Subject: Extortionate and discriminating rate on coal to Paris, Ky.

This complaint was fully investigated, and the Commission being of the opinion that no higher rate should be charged for the transportation of coal to Paris than is charged to Lexington, Ky., and that the rate complained of shows a difference of 10 cents per ton as against Paris, the Commission determined that defendant company should reduce its rates on coal to Paris 10 cents per ton, and that said rate should not be in excess of said Lexington rate. Said reduction has been made and tariffs issued accordingly, and this complaint is dismissed settled.

MISS SALLIE R. BROWN, SUPERINTENDENT OF SCHOOLS, HOPKINS COUNTY, MADISONVILLE, KY.,

vs.

L. & N. RAILROAD COMPANY.

Subject: Failure to list property in school district No. 2.

This complaint was investigated and found to be well taken, and defendant's property situated in the said district was listed for taxation, and on motion of complainant this complaint is dismissed settled.

CITIZENS OF SHELBYVILLE, KY.,

vs.

L. & N. RAILROAD COMPANY.

Subject: Petition for an additional waiting room.

A member of the Commission visited this station, and after full investigation, recommended that an extra waiting room be added to the present depot, which has since been done.

W. R. CRESS, MONTICELLO, KY.,

vs.

C., N. O. & T. P. RAILWAY COMPANY.

Subject: Failure to issue tariff rates as ordered by the Commission.

This complaint was investigated and it was found that defendant company had issued tariffs in conformity with the former order of the Commission.

G. M. HEDDRICK, MONTICELLO, KY.,

Subject: Extortionate demurrage charges.

This complaint was taken up in conjunction with that of the Lumbermen's Club of Louisville and new demurrage and car service rules were made by the Commission, which are now in full force and effect.

C. J. PHILLIPS, CENTRAL CITY, KY.,
vs.
ILLINOIS CENTRAL RAILWAY COMPANY.

Subject: Extortionate express rates.

An investigation of this complaint discloses the fact that the rate complained of was that made by the Adams Express Company, over which this Commission has no control. Complainant was so notified and his complaint withdrawn.

C. Y. BOGGESS, VALLEY STATION, KY.,
vs.
ILLINOIS CENTRAL RAILWAY COMPANY.

Subject: Insufficient depot accommodation.

This complaint was investigated and found well taken, and defendant company was notified to make certain designated improvements.

B. F. AVERY & SONS, LOUISVILLE, KY.,
vs.
B. & O. S. W. RAILROAD COMPANY.

Subject: Petition for overhead bridge.

This complaint was investigated. Complainant was permitted to erect an additional bridge across an alley-way over defendant's road in the city of Louisville.

CITIZENS OF VERSAILLES,
vs.
SOUTHERN RAILWAY COMPANY.

Subject: Failure to erect electric signals as ordered by the Commission.

This complaint was investigated, and it was found that defendant company had not complied with the Commission's order. The subject was again taken up with defendant and the electric signals have since been erected.

A. B. CAMERON, MAYFIELD, KY.,
vs.
ILLINOIS CENTRAL, N. C., AND ST. L. RAILWAY COMPANY.

Subject: Failure to list property in certain school districts.

This matter was fairly investigated and defendant company was required to list its property as contended for by complainant, the county superintendent of Graves county, and this complaint was dismissed settled.

KINGSTON & MITCHELL, MORTON'S GAP., KY.,
vs.
L. & N. RAILROAD COMPANY.

Subject: Failure to furnish coal cars.

This complaint was investigated and the relief prayed for by complainant was granted by defendant company, and this complaint is dismissed.

ROBINSON-HUGHES CO., LOUISVILLE, KY.,
vs.
L. & N. RAILROAD COMPANY.

Subject: Extortionate rate on cotton goods from Georgia and Alabama points to Elizabethtown, Ky.

Pending the investigation of this complaint, the Commission received notice that complainant was in error in regard to his facts, and the complaint was withdrawn.

CITIZENS OF EMINENCE, KY.,
vs.
THE ADAMS EXPRESS CO.

Subject: Extortionate express rates.

This complaint has not yet been investigated nor acted upon. It is suggested that the L. & N. R. R. Co. participate in the rates charged and therefore this Commission has jurisdiction.

Chesapeake & Ohio R. R. Co., on petition for permission to change classification on live stock weights.

This petition has not yet been investigated or acted upon.

THE STAR MILLING CO., NICHOLASVILLE, KY.,
vs.
C., N. O. & T. P. RAILROAD COMPANY.

This complaint was in the form of a letter, which was so indefinite as to be impossible to understand the exact nature of the complaint. Complainants were requested to make their complaint more specific, which they have so far failed to do.

CITIZENS OF JOYCE STATION, KY.,
vs.
SOUTHERN RAILWAY COMPANY.

Subject: Petition for new passenger and freight depot.

This complaint was investigated and it was found that the old depot had been destroyed by fire. The defendant company was ordered to construct a new depot, which has been done.

D. B. EVANS, QUINCY, KY.,
vs.
C. & O. RAILROAD COMPANY.

Subject: Failure to list mileage for taxation in corporate limits of Quincy.

The attention of the defendant company was called to this omission, and the property therein omitted has been reported and assessed for taxation.

Illinois Central Railway Company, on petition to change depot site at Horse Branch, Ky.

An investigation of this complaint showed that the old depot at Horse Branch was entirely insufficient, and it further appearing that the present depot is located at the foot of a heavy grade

and that a more convenient site at the junction of the main line and Owensboro and Nashville branch, a short distance from the present site, is a more convenient place for the erection of a depot than upon the present site, permission was granted defendant company to construct a new depot at said junction in conformity with plans submitted to and approved by the Commission.

THE DAWSON PHARMACAL CO,, DAWSON SPRINGS, KY.,
vs.
THE SOUTHERN EXPRESS COMPANY.

Subject: Extortionate express rates.

The Commission having no jurisdiction of express companies, complainant was so notified and his complaint withdrawn.

J. V. SHIPP, MIDWAY, KY.,
vs.
LOUISVILLE & NASHVILLE ANL MONON RAILROAD COMPANIES.

Subject: Overcharge in freight rates from Chicago to Spring Station, Ky.

It appearing from an investigation of this complaint that there had been an overcharge on the part of both companies, each was so notified and the same has been adjusted and the complaint is therefore dismissed settled.

R. E. GLENN, ETC., LEWISBURG, KY.,
vs.
L. & N. RAILROAD COMPANY.

Subject: Insufficient depot.

The patrons of Lewisburg petitioned the Commission to cause to be erected an additional waiting room. The complaint was investigated and an additional waiting room was constructed by the company.

J. S. DEPOYSTER AND OTHERS, DUNMORE, KY.,
vs.
L. & N. RAILROAD COMPANY.

Subject: Insufficient depot.

An investigation of this complaint disclosed the fact that the business at this station required two waiting rooms, freight house and telegraph office. The company was so notified, and the same has been erected.

WINSTON HENRY AND OTHERS, CASKEY, KY.,
vs.
L. & N. RAILROAD COMPANY.

Subject: Insufficient depot.

A member of the Commission visited this station and recommended certain improvements, which the Commission is advised have been made.

CITIZENS OF CROFTON, KY.,
vs.
L. & N. RAILROAD COMPANY.

Subject: Insufficient depot.

Defendant company has represented to the Commission that it proposes to change its track at this place, which will necessitate the removal of this depot to another point. Temporary improvements have been made upon the building and this complaint is continued for further investigation.

CITIZENS OF WINGO, KY.,
vs.
ILLINOIS CENTRAL RAILWAY COMPANY.

Subject: Insufficient depot.

A member of the Commission visited this station and recommended certain improvements, which have not yet been completed.

JAMES A. O'HARROW, WILLIAMSTOWN, KY.,
vs.
C., N. O. & T. P. RAILWAY AND L. & N. RAILROAD COMPANIES.

Subject: Extortionate rate on coal to Williamstown from Jellico district.

An investigation of this complaint disclosed the fact that a rate of $2.00 per ton was being charged for the transportation of coal from and to the points indicated. A reduction of 30 cents per ton was made and a new tariff issued.

BEATTYVILLE COAL COMPANY,
vs.
L. & A. RAILROAD COMPANY.

Subject: Extortionate switching charges.

It developed from an investigation of this complaint that the defendant company was charging its patrons $5.00 per car for switching. This was reduced to $2.00 per car, and the excess for past services to complainant was refunded.

CITIZENS OF BURNSIDE, KY.,
vs.
CUMBERLAND RIVER RAILROAD COMPANY.

Subject: Taxation.

As a result of an investigation of this complaint, this company's taxes were increased.

CITIZENS OF WILLIAMSBURG, KY.,
vs.
L. & N. RAILROAD COMPANY.

Subject: Petition for new depot.

It appearing to the Commission that the depot at this place had been destroyed by fire, the defendant company was requested and did erect a new depot which is deemed sufficient for the accommodation of the traveling and shipping public at that point.

W. E. DELANEY,
vs.
C., N. O. & T. P. RAILROAD COMPANY.

Subject: Petition for depot and agency at Silerville, Ky.

After investigation of this complaint, it was recommended that a depot be built and an agency established at this point, which was promptly done.

HARGIS BROS., JACKSON, KY.,
vs.
L. & A. RAILROAD COMPANY.

Subject: Extortionate rate on coal.

This complaint was investigated, and it was found that defendant company charged $40.00 per car for the transportation of coal to Jackson, which was, in the opinion of the Commission, extortionate, and a reduction to $20.00 per car was made, and the excess refunded to complainant, and on their motion, this complaint was dismissed settled.

S. B. NELSON, EAST VIEW, KY.,
vs.
ILLINOIS CENTRAL RAILWAY COMPANY.

Subject: Failure to grant free transportation with live stock.

It developed, upon an investigation of this complaint, that defendant company's contract with complainant for this particular shipment entitled him to free transportation with his stock, and defendant was requested to refund the amount of this transportation, which it has agreed to do.

ADKINS COAL COMPANY, MT. STERLING, KY.,
vs.
C. & O. RAILWAY AND A. C. & I. RAILROAD COMPANIES.

Subject: Extortionate coal rates.

Notice has been given that a meeting of the Commission will be held at Mt. Sterling, Ky., for the purpose of hearing and determining this complaint on the 3d day of January, 1905.

B. T. CONWAY AND OTHERS, GLASGOW JUNCTION, KY.,
vs.
L. & N. RAILROAD COMPANY.

Subject: Petition for additions to depot.

This complaint has not yet been investigated nor acted upon, and is therefore continued.

THOS. BLACKWELL, CLAY, KY.,
vs.
ILLINOIS CENTRAL RAILWAY COMPANY.

Subject: Failure to build switch.

This complaint was partly investigated and defendant company agreed to build the switch complained of.

C. J. ZEUTCHEL & CO., CEDAR SPRINGS, KY.,
vs.
CHESAPEAKE & NASHVILLE RAILWAY COMPANY.

Subject: Damage to merchandise in transit.

Complainant was advised that his remedy was by suit, the Commission not having power in the premises.

Illinois Central Railroad Company on petition to abandon stations at Meadowlawn and River Side, Ky.

An investigation of this petition showed that a large cement plant is under construction within a short distance north of River Side, about three-quarters of a mile from River Side depot, and that this place is fast building up and bids fair to be one of the most important stations upon this company's line. The Commission refused to consent to the abandonment of the station and depot at Meadowlawn, but consented that the River Side depot may be removed and a new depot erected at a designated point near the Horner Cement Mills about three-quarters of a mile north of its present location.

A number of complaints were referred by the Commission to Commissioner McD. Ferguson, which are in process of adjustment by him through correspondence with the various railroad companies. The office and dwelling of Commissioner Ferguson having recently been burned, together with all the correspondence and complaints referred to, the records will have to be supplied.

S. T. YOUNG AND OTHERS,

vs.

THE L. & N. AND GLASGOW RAILROAD COMPANY.

Subject: Extortionate freight rates.

At a meeting of the Railroad Commission held in the city of Louisville, Ky., on the 6th, 7th, 9th and 10th days of June, 1904; present, C. C. McChord, Chairman; McD. Ferguson, Commissioner First District, and A. T. Siler, Commissioner Third District.

The chairman announced that the meeting had been called for the purpose of rendering a decision in the matter of complaint of S. T. Young and Others vs. The Glasgow Railroad Company and Louisville & Nashville Railroad Company, and after full consideration of the testimony offered, it was determined by the Commission that a reduction of 10 per cent. on the rates specified in the classes and commodities hereinafter enumerated be made, and that in computing the fractions in calculating said 10 per cent. reduction, if the fraction is under five it is not to be counted, but where it is five and over, that the same should be counted as a whole number. The following shows the former rate and the rate as reduced on classes and commodities to and from Glasgow and Louisville, Ky., over the lines of the Louisville & Nashville and Glasgow Railroad Companies, and it is now ordered by this Commission that said railroad companies charge no more for the transportation of such commodities as are now assigned to the several classes that are herein enumerated, than that designated as the new rate; that is to say, 10 per cent. less than the former rate, calculated on the basis hereinbefore stated, viz.:

	Per 100 lbs.												Per Bbl.	Per 100	Tobacco in hhds.
Class	1	2	3	4	5	6	A	B	C	D	E	H	F	I	
Old rate	64	55	49	44	39	36	36	36	22	17	36	36	44	28	31
New rate	58	49	44	40	35	32	32	32	20	15	32	32	40	25	28

	Per 100 lbs.			Per Car.	
				Live Stock,	Hogs, S. D.
Class	L	M	N	Except Hogs.	Sheep, D. D.
Old rate	25	18	13	$36 00	$40 00
New rate	22	16	12	30 00	35 00

It is further ordered that the chairman notify each of said railroad companies, and the meeting adjourned subject to the call of the chairman.

C. C. McCHORD, *Chairman,*
A. T. SILER, *Commissioner Third District,*
McD. FERGUSON, *Commissioner First District.*

Attest: MOSES R. GLENN, *Secretary.*

Illinois Central Railroad Company on application to change location of depot at Horse Branch.

At a meeting of the Railroad Commission, held at its office in Frankfort, Ky., September 9, 1904; present, A. T. Siler, McD. Ferguson and C. C. McChord, Commissioners. The application of the Illinois Central Railroad Company for a change of its depot at Horse Branch, Ky., from its present site and to locate same and erect a new depot at a point shown upon the blue print filed with said application, was received and ordered filed, and the Commission having investigated said application and being now advised, consents that said change may be made, as shown in said application and blue print. It is ordered that a copy of this order be mailed to the proper official of the Illinois Central Railroad Company. The question of approving the depot is reserved for further action, the plans to be hereafter submitted.

C. C. McCHORD, *Chairman,*
A. T. SILER, *Commissioner Third District,*
McD. FERGUSON, *Commissioner First District.*

Attest: MOSES R. GLENN, *Secretary.*

LOUISVILLE & INTERURBAN R. R. CO.,
vs.
ILLINOIS CENTRAL RAILWAY COMPANY.

Subject: Grade crossing near Pleasure Ridge Park.

The Louisville & Interurban Railroad Company, by its attornay, Clarence Dallam, filed before the Railroad Commission its petition, or application, to cross the switch track of the Illinois Central Railroad Company, at a point about eleven hundred feet west of where said switch track intersects with the main line. Said switch track leading west from the main track near Pleasure Ridge, Ky., and the Illinois Central Railroad Company, by its attorney being present and waiving notice, and said proposed crossing having been previously inspected by a member of the Commission, and the Commission having fully considered said application, the following order was made, to-wit: The application of the Louisville & Interurban Railroad Company, for the approval of the grade crossing proposed to be made of the switch track of the Illinois Central Railroad Company, at a point about eleven hundred feet from intersection of the said Illinois Central Railroad with said switch track, coming on to be heard, and the Illinois Central Railroad Company being present by counsel, and notice being waived, and the matter being investigated, the grade crossing at said location is deemed reasonable and feasible, and is hereby approved, and the Louisville & Interurban Railroad Company is hereby authorized and empowered to put in an improved standard railroad crossing at said location, at its own expense. And it is further authorized and empowered to erect its trolley and feed wires across said switch track, but said trolley and feed wires must be not less than twenty-two feet above said switch track.

It is further ordered that a copy of this order be certified and mailed by the secretary of the Railroad Commission to said Interurban Railroad Company, and then the Commission adjourned.

C. C. MCCHORD, *Chairman,*
A. T. SILER, *Commissioner Third District,*
MCD. FERGUSON, *Commissioner First District.*

Attest: MOSES R. GLENN, *Secretary.*

Illinois Central Railway Company on application to abandon station at Scottsburg.

Application having heretofore been made by the Illinois Central Railroad Company, and by various citizens of Cedar Bluff, Ky., for permission to abandon the depot at Scottsburg, Ky., and to remove same to Cedar Bluff, Ky., and said application having been considered and the two sites having been inspected by Commissioner Ferguson, and a favorable report thereon having been made, it is ordered that the said Illinois Central Railroad Company may abandon said depot at Scottsburg, Ky., and establish same at Cedar Bluff, Ky., at or near the stock pens at Cedar Bluff. Said Illinois Central Railroad shall erect suitable passenger and freight building for the accommodation of the traveling and shipping public, the same to be subject to the approval of this Commission, and the Commission, as part of this order, reserves the right to make such additional order as may be deemed necessary as to said building.

C. C. McCHORD, *Chairman,*
A. T. SILER, *Commissioner Third District,*
McD. FERGUSON, *Commissioner First District.*

Attest: MOSES R. GLENN, *Secretary.*

MARION F. POGUE, ETC.,
vs.
ILLINOIS CENTRAL RAILWAY COMPANY.

Subject: Petition for depot at Mexico, Ky.

At a meeting of the Railroad Commission held at Mexico, Ky., on the 25th day of May, 1904, the complainant, Marion F. Pogue and Others vs. The Illinois Central Railroad Company, on account of alleged insufficient depot accommodations, was considered. Complainant and said railroad company agreed that certain improvements should be made, and it appearing that said proposed improvements will accommodate the traveling public, the same are now approved. Then the Commission adjourned.

C. C. McCHORD, *Chairman,*
A. T. SILER, *Commissioner Third District,*
McD. FERGUSON, *Commissioner First District.*

Attest: MOSES R. GLENN, *Secretary.*

CITIZENS OF MAYFIELD,
vs.
ILLINOIS CENTRAL RAILWAY COMPANY.

Subject: Petition for additional depot facilities.

At a meeting of the Railroad Commission held at Mayfield, Ky., on the 25th day of May, 1904, present, C. C. McChord, Chairman, and McD. Ferguson, Commissioner First District, the complaint of the mayor and city council of Mayfield was fully heard. The defendant company being represented by its attorney and assistant general manager, the city council then suggested to the Commission the character of depot that would be necessary for accommodation of the traveling public to and from Mayfield. The representatives of the Illinois Central Railroad Company agreed that it was willing to make the improvements indicated by said council, and it appearing to the Commission that such improvements will accommodate the traveling public, the same are now approved, and said railroad company is directed to proceed with the construction of the additions and improvements so agreed upon. It appearing that it will be necessary to construct a sewer in the city, it was agreed by the said council and said railroad company, that said railroad company donate the sum of $100 toward the completion of said sewer, which offer was accepted by said council. Then the meeting adjourned.

C. C. MCCHORD, *Chairman,*
A. T. SILER, *Commissioner Third District,*
MCD. FERGUSON, *Commissioner First District.*

Attest: MOSES R. GLENN, *Secretary.*

Opinion and Rules of the Railroad Commission Governing Car Service and Demurrage Charges on all Railroads in Kentucky.

THE LUMBERMEN'S CLUB, *Plaintiff,*

vs.

THE LOUISVILLE CAR SERVICE ASSOCIATION, ETC., *Defendants.*

FRANKFORT, KY.

The Lumbermen's Club, an association of business men in the city of Louisville, by its secretary, filed its complaint with this Commission against the Louisville Car Service Association and the various railroads composing that association, wherein it is alleged that the rules and regulations adopted by that association, and the charges imposed upon shippers for detention of cars under these rules, are extortionate, and the rules themselves, unjust, unfair, and unreasonable. On the 25th day of June, 1904, written notices in the form of a letter were mailed by the Commission to said association and to each of the railroad corporations composing it, to-wit, the following roads: Baltimore & Ohio Southwestern Railroad; Chesapeake & Ohio Railway; Cleveland, Cincinnati, Chicago & St. Louis Railway; Chicago, Indianapolis & Louisville Railway; Cincinnati, New Orleans & Texas Pacific Railway; Evansville, Suburban & Newburgh Railway; Evansville & Terre Haute Railroad; Frankfort & Cincinnati Railway; Illinois Central Railroad; K. & I. Bridge & Railroad Company; Louisville & Atlantic Railroad; Lexington & Eastern Railway; Louisville, Henderson & St. Louis Railway; Nashville, Chattanooga & St. Louis Railway; Pittsburg, Cincinnati, Chicago & St. Louis Railway; Southern Railway; Southern Railway Company in Kentucky, and the Louisville & Nashville Railroad.

By this letter the Car Service Association and each of these railroads were notified that the Commission would, for the convenience of all parties, meet, beginning at 10 a. m., July 12, 1904, in the city of Louisville, for the purpose of hearing and determining said complaint, and, further, that said meeting would be continued from day to day, subject to adjournment to the office of the Commission at Frankfort, until all of said matters should be fully heard and determined. Pursuant to this notice, the Commission met at the time and place stated, and continued in session from day to day until all the evidence offered by the various parties was heard. When the case was called for hearing, the attorneys representing the railroads and the Car Service Association entered a demurrer to the jurisdiction of the Commission, and challenged its right and authority to either hear or determine the questions raised by the complaint. Arguments were heard and the question submitted, and after full consideration the Commission determined that it not only had authority to hear and determine the complaint, but that it was its duty to do so.

There are but two questions necessary for the consideration and determination of this complaint:

1. Has this Commission jurisdiction of these matters which affect car service charges in the State of Kentucky?

2. Are the car service rules, as promulgated and enforced under what is known as the Louisville Car Service Association, reasonable and proper?

As to the question of jurisdiction, the Kentucky Statutes define what extortion is.

Section 816 of the Kentucky Statutes provides: "If any railroad corporation shall charge, collect or receive more than a just and reasonable rate of toll or compensation for the transportation of passengers or freight in this State, or for the use of any railroad car upon its track, or upon any track it has control of, or the right to use in this State, it shall be guilty of extortion."

Section 821 provides: "There is established a department in the State government to be known as the Railroad Commission, which shall be composed of three commissioners, one of whom shall act as chairman, and whose duty it shall be to see that the laws relating to all railroads, except street, are faith-

fully executed, and to exercise a general supervision over the railroads of the State. Each of said commissioners is authorized to administer oath, and two of them shall constitute a quorum."

Section 1 of the act of March 10, 1900, provides that "when complaint shall be made to the Railroad Commission, accusing any railroad company or corporation of charging, collecting or receiving extortionate freight or passenger rates, over its line or lines of railroad in this Commonwealth, or when said Commision shall receive information, or have reason to believe that such rate or rates are being charged, collected or received, it shall be the duty of said Commission to hear and determine the matter as speedily as possible, and should the Commission determine that the company or corporation is, or has been, guilty of extortion, said Commission shall make and fix a just and reasonable rate, toll or compensation, which said railroad company or corporation may charge, collect or receive for like services thereafter rendered."

This complaint charges the Car Service Association and the said railroads composing that association with the offense of extortion, as defined by section 816 of the Kentucky Statutes, and the question now before the Commission is whether the charge of one dollar per day, in addition to the regular freight charges under the rules fixed by this association and these railroads, is extortionate.

The Louisville Car Service Association is nothing more or less than a joint agency, established by the railroads named, for the purpose of enforcing and carrying out certain agreements, rules and regulations which these railroads have entered into with each other and have adopted for the purpose of governing car service. By the terms of this mutual agreement, seven representatives of the railroads have been selected to act as an executive committee, and by further agreement a manager has been chosen, who is authorized, at the joint expense of the railroads, to enforce these rules and regulations. The manager is empowered to employ sufficient clerical force and to construe the agreements entered into by the several railroads, and also the various rules adopted by them for the regulation of car service. The manager is further empowered to determine all complaints and contentions that may arise out of the enforcement

of these rules, whether the controversy arises between the railroads or between the shippers and the railroads. The decision of the manager is to be final and binding upon all parties until overruled by a majority of the executive committee.

Until a comparatively recent date, it was contended, and in fact the contention was upheld by the supreme courts of Illinois and Nebraska, that a charge for the retention of cars, in addition to the regular freight rates, was not a legal right, and only existed as a right to carriers by sea-going vessels; but it is now universally accepted that reasonable rules and regulations may be adopted and an additional charge may be made for the retention of cars beyond a reasonable time. Car service associations have been organized throughout the country where railroads have been built, and it is universally admitted to be a regulation not only in the interests of the carrier, but of the shipping public as well. It is contended by many shippers that they have the right to hold the cars of the railroad company until it may suit their convenience to either load or unload; and while it is generally agreed that a just and reasonable charge may be made for the retention of these cars where they have been held beyond a reasonable time, some shippers yet contend that there should be no restriction, and that the car service rules should be abrogated entirely. In the argument of this case a decision of the Supreme Court of Georgia has been cited by counsel, wherein it is said:

"Where the carrier's duty ends with the transportation of the car and its delivery to the customer, and no further service is embraced in the contract, the carrier, after a reasonable time has been allowed for unloading, is as much entitled to compensation for the further use of its cars as it would be for the use of its warehouse. We know of no good reason why it should be restricted to the latter method of storage. There is no law which prohibits the use of cars for this purpose, or which requires the unloading or removal of the goods to some other structure before any charge for storage can attach. *This method of storage may in many cases be as effectual as any other.*"

We deny the proposition that either the railroad company or the shipper has a right to use the cars of the company for stor-

age or warehouse purposes. These cars were not constructed for any such purpose. They are merely a part of the equipment necessary in the operation of the railroad. They were constructed for the purpose of enabling the railroad to transport traffic from one point to another, and not for storage or warehouse purposes. It is the duty of the railroad company to furnish the shipping public with sufficient cars to move the traffic, and the public is entitled to have the use of these cars without hindrance from either shippers or railroads in using them for storage or warehouses. We think the law upon this subject is well settled.

As to when the liability as carrier ceases and that of warehouse begins, there are many different rules in the various States, but we believe it is well settled in this State. The general rule seems to be that the carrier remains liable until the goods have reached their destination and the consignee has had reasonable opportunity (involving notice of arrival, where such notice is essential to charge him with the duty of taking the goods) to receive the goods from the carrier, and that after the expiration of such reasonable time the liability of the carrier, if the goods remain in its possession, is that of warehouseman only. The carrier is liable only as a warehouseman after the consignee has refused to receive the goods, or while the goods are held by the carrier at the request and for the convenience of the consignee.

In this connection it may be useful to note the rule fixing the initial liability of a carrier, as such, upon the delivery of goods by consignor for transportation. We believe that this rule should also prevail in determining the relative liability and duty of the carrier and consignee when the transportation has ended. In either case it is simply a question of delivery.

"In order that the carrier may be charged with reference to the custody, care and transportation of the goods, it is evidently essential that, as bailee, he shall have come into possession of the goods, which, of course, involves a delivery by the shipper and acceptance by the carrier, and until there has been such delivery and acceptance, by which the possession of the goods has been transferred from the shipper to the carrier, no liability of the carrier with reference to such goods arises.

To constitute actual delivery, it is not enough that the goods be placed in a position from which they might readily be taken by the agent of the carrier, but there must be notice to him of the delivery, with intention to place them in the care and custody of such carrier." (Cyc. of Law and Procedure, v. 6, p. 412.)

Until the carrier has performed every duty with reference to the transportation of goods, his duty and liability as carrier still attach, and any charge in addition to the regular freight rate for any services, or for the use of any car, before the duties attending the transportation of the goods have been fully performed, is nothing more or less than an additional freight rate.

The objection to the jurisdiction of this Commission is raised upon the ground that section 820, above referred to, only allows the Commission to hear and determine matters where the railroad is accused of collecting and receiving extortionate freight or passenger rates. The argument is made to the Commission that because this is a car service overcharge (if there is an overcharge), and not a freight or passenger rate, the Commission has no right to inquire into its character, nature or reasonableness. It seems to the Commission that the definition of "extortion" clearly includes such charges as the car service rules demand. Extortion may be either for the transportation of passengers or freight, or for the use of a railroad car upon its track. It certainly can not be contended that this car service charge is not for the use of the car, because the car service rules expressly provide for the charge or penalty of one dollar each day for the use of a car after a certain time, and it has been proven that frequently persons prefer to pay the dollar in order to have the use of the car for a day; and under this proof it is certain that the additional charge is an extension of the freight rate, because the railroads themselves insist that they have a lien upon the contents of the car to secure this car service charge. If, therefore, under these car service rules, it is undertaken to demand more than a just and reasonable rate or toll or compensation for the use of any railroad car upon its track, it is extortion; and, as the railroads themselves insist upon the right to hold freight and refuse to deliver it until the

charge is paid, it is, if unreasonable, an attempt upon the part of the company to collect, and when collected, is receiving extortionate freight rates, and therefore it comes under the provision of the statutes, section 820, where it provides that, after hearing, the Commission has a right to determine whether or not the corporation has been guilty of extortion, and the commission has also the right, and it is its duty, to make and fix a just and reasonable rate of toll or compensation, where they have determined that the railroad has been guilty of extortion. This question was very ably argued by the attorneys for complainants and the representatives of the railroads involved, and the Commission is of the opinion that it has jurisdiction of the questions affecting the reasonableness or unreasonableness of the charges made by the Louisville Car Service Association against shippers.

The proof in this case shows that shippers in Kentucky operate under three different sets of rules; that the territory fifteen miles from Cincinnati on the Kentucky side operates under the rules of the Cincinnati Car Service Association, while the territory in and around Jellico operates under the Tennessee car service rule. These car service rules are put in force under a joint arrangement with all railroads in Kentucky. They are prepared without the shipper having any voice in their requirements. The proof shows that no shipper was ever consulted as to the rules now in force by the Louisville Car Service Association.

They give to the railroads peculiar and unusual power, and without a hearing or notice or even an opportunity to defend the justice or injustice of the charge, the shipper is compelled to pay to the Car Service Association whatever may be demanded under these rules, and upon refusal to do so, the severest penalties are enforced. Cars may be removed from his yards, and cars for future transportation refused, and he is compelled to relinquish his legal rights without the opportunity of being heard in advance before the money is taken from him by the Car Service Association.

Under the rules now in vogue in Louisville, forty-eight hours, or sixteen working hours, are allowed for the unloading of cars.

In case the cars shall have been placed prior to 7 a. m., free

car service time is counted from 7 a. m. Forty-eight hours from that time the car must be loaded or unloaded, as the case may be, or a penalty of one dollar per day for every day or fraction thereof is added, that the cars remain unloaded. It is shown by the proof that frequently quite a number of hours elapse from 7 a. m., the time when free service begins, until the shipper knows of the placement of the car. The railroads have conceded that forty-eight hours is a reasonable time in which to unload freight; but they begin to count that time in a large number of cases before the shipper is made aware of the fact that the car is at his disposal. Except where the shipper has his own siding, he rarely ever knows it before 9 o'clock; that is, two hours after his free car service time has begun to run, and in many instances four, five, or even six hours have elapsed before any notice is given by the railroad. This is certainly a very unusual privilege given by the railroads, as the reasonable time, which they have agreed to give is forty-eight hours for unloading freight. The shipper in Louisville, or those represented in this complaint, contend that free car service time shall not begin until after they have had notice of the placement of the car in the yards or on public tracks. They assert that it is only fair or lawful to have reasonable time allowed to them by the railroads for the unloading of cars begin after they have had knowledge of the placing of the car, and not to allow one-sixth, one-fifth, or one-fourth of the free time to expire before they have received notice that the car has been put in such position where they may unload it. They claim that under the rules governing the Tennessee Car Service Association, which covers a part of Kentucky immediately adjacent to the Jellico district, the free car service time does not begin to run until notice is given to the shipper of the placement of the car and that it is at his disposal for unloading. They claim that the same thing is true under the Cincinnati Car Service rule, which operates in the portion of Kentucky opposite Cincinnati. They further contend that under the rules and regulations of car service in Mississippi, Virginia, Michigan, Texas, New York, Chicago, and other cities and States, some provision is made for notice before free time begins. They also contend that in those cities and States the railroads have found it convenient, and not a

hindrance to business, to give notice of the arrival or placement of cars, and that the statutes of some States not only require notice, but instead of forty-eight hours, seventy-two hours is considered a reasonable time for the unloading of carloads of freight.

The railroads contend with much earnestness that they invariably give the shippers notice of the arrival or placement of cars; that as soon as the car has been placed, notice is given either by telephone or postal card. But, as said before, this notice is not always given until after the free time has begun.

The enforcement of car service rules is only allowed upon the ground of the public benefit which is derived from the speedy loading or unloading of cars, and that such speedy loading or unloading is necessary to enable the railroads to transport the freight of the country. In every matter where a man's property is taken, or a charge assessed against his property, except in car service rules, the party whose money is taken, or upon whose property the charge is made, has an opportunity to be heard, or at least has notice; but, as the railroads claim this extraordinary privilege of collecting money for car service from shippers without opportunity for defense or investigation, and without notice, the rules which regulate the exercise of this extraordinary power ought to be beyond all question reasonable and fair, and give to the shipper a reasonable time in which to load and unload freight. The question therefore arises: Is any time reasonable which begins before the shipper has notice of the placing of the car and of his duty to unload the freight within a reasonable time?

It is conceded by all parties interested in this matter, as shown by the proof, that forty-eight hours is regarded by all railroads as a reasonable time; but the whole matter which now comes before the Commission is not whether forty-eight hours is a reasonable time, but whether that time should begin to run until the shipper has had notice of the placement of the car and of the commencement of his obligation to the railroad, which requires a speedy removal of the freight. It is shown in this case that a large part of the freight concerning which complaints are made comes from points south of Louisville, where the routing is controlled by the railroads themselves, and that the shipper has no means of ascertaining or determining by

what route this freight will arrive, nor the time when it will arrive. This routing is done for the convenience of the railroads, and for the protection of the railroads in the matter of rates, so they claim. The time at which freight arrives varies sometimes as much as ten or fifteen days. With such differences as to the time of transporting between two points, and by the freight route over a road against which even the shipper may have protested, it should be required, in the judgment of the Commission, that ample and reasonable notice should be given by the railroad to the shipper upon the arrival of the freight, and that the shipper should be held under no obligations in regard to the removal of the freight until such notice has been given within the proper time.

The questions of notice upon these conditions has been passed upon by many courts of this country.

In Hutchinson on Carriers, section 374, second edition, the author says:

"The courts of several of the States in which the question has been well considered have accordingly declined to adopt the reasoning of the preceding cases, and have refused to concede to railroad companies the right to dispense with notice to consignees of the arrival of the goods which they have undertaken to transport as common carriers, but held them to the same duty in that regard as carriers by water. In New York the law upon this subject is stated to be that if the consignee is present, upon the arrival of the goods he must take them without unreasonable delay; if he is not present, but lives at or in the immediate vicinity of the place of delivery, the carrier must notify him of the arrival of the goods, and then he must have reasonable time to remove the goods; if he is absent, unknown or can not be found, the carrier may store them, and if, after notice of the arrival of the goods, the consignee has had a reasonable opportunity to remove them, and does not, he can not hold the carrier longer as an insurer. This view of the subject has also been taken by the courts of Michigan and Minnesota. Such also is the English law. No trace is there to be found of the distinction which has been made in this country in favor of railway companies as common carriers which converts them into mere warehousemen without notice to the consignee. Notice,

it is there held, to be necessary to effect this change of character and liability; and, after such notice, if the consignee fails to call for the goods within a reasonable time, the carrier becomes, as to them, a warehouseman merely. And it is to be gathered from the cases that it is the universal course of business there, with this class of carriers, either to deliver personally, or to send to consignees what are their denominated advice notes, informing them of the arrival of the goods; and that until this is done, the company remains subject to the liability of a common carrier."

See also notes by same author under same chapter:

"I am unable to discover any ground, which to me is satisfactory, on which a common carrier of goods can excuse himself from personal delivery to the consignee, except by that which usage has made a substitute. To require him to give notice when the goods are received, so that the consignee may know when to call for them, imposes upon him no unreasonable burden. If, by understanding with the consignee, the goods were to remain in store for a definite period, or until he should give directions concerning them, the rule would be different because the relation of warehousemen would then be established by consent. In the absence of such understanding, sound policy, I think, requires the carrier to be held liable as such until he has notified the consignee that the goods are received. If the nature of the bailment then becomes changed through the neglect of the consignee to remove the goods, it will be by his implied assent. Such a rule is just to both parties and burdensome to neither, and it will tend to promptness on the part of the carriers in giving the notices, which, whether compulsory or not, are generally expected from them." And see Tanner v. Railroad, 53 Penn. St., 411, in which the learned judge who delivered the opinion of the court declares that the correct rule is to require notice by railroad companies of the arrival of the goods.

It therefore appears to the Commission that the decisions of the courts of this country are now to the effect that the railroad company can not discharge itself of liability as a common car-

rier until after reasonable notice has been given to the shipper of the arrival of the freight. As the old rule is changed, where freight is not warehoused, but the shipper is required to unload the freight from the car himself, it seems to us a logical, reasonable and necessary result that the shipper must have reasonable notice of the arrival of the freight before the company can impose on him any obligations other than the freight charge itself; and as forty-eight hours has been considered and proven in this case to be recognized as reasonable notice, it therefore follows, that the shipper should have notice of the placement of the cars, and thus be informed of his duty as to the removal of freight within a reasonable time; and it would be unreasonable to allow this time to begin to run until the shipper has had notice of the placement of a car and of his duty to remove the freight within the time which everybody now concedes to be reasonable. Any rule, therefore, which allows or permits time to be counted against the shipper until he is notified of placement of the car is unreasonable, and any charge based upon such rule or regulation, where time begins before the shipper is notified in the manner hereinafter directed is not only unreasonable, but any charge made based on time running against a shipper without notice is extortionate. It seems to us that it is an improper exaction to cut off a part of the reasonable free time allowed to the shipper, when he has had no notice that the car has been placed for unloading by him.

The Commission is therefore of the opinion, and it is so ordered, that,

RULE I.

A charge of one dollar per day, or fraction of a day, shall be made on all cars for unloading, after the expiration of forty-eight (48) hours, from 7 a. m., or 12 o'clock noon, next following notice of arrival, placement or offer to place (not including Sundays or legal holidays), *i. e.:*

(*a*) Cars that arrive without disposition having been furnished receiving agent by the consignee, shall be allowed forty-eight (48) hours from 7 a. m., or 12 o'clock noon, next following arrival notice.

(*b*) Cars that arrive to be placed on standing order, or on which disposition has been furnished receiving agent prior to the time of arrival, shall be allowed forty-eight (48) hours from 7 a. m., or 12 o'clock noon, next following notice and placement.

(*c*) Cars that arrive to be delivered on standing order to a private siding, said private siding being fully occupied, shall be allowed forty-eight (48) hours from 7 a. m., or 12 o'clock noon, next following notice of cars being offered, *i. e.*, the time placement could have been effected had such siding permitted.

Cars will be similarly treated when delivery to recognized or designated delivery tracks can not be effected on account of such track or tracks containing cars belonging to same consignee.

In all cases where actual delivery of cars can not be made on account of some act of the consignee, legal delivery will be considered to have been effected when the railroad offering such cars would have made delivery had not such act of the consignee prevented.

RULE II.

A charge of one dollar per day, or fraction of a day, shall be made on all empty cars placed for loading after the expiration of forty-eight (48) hours from 7 a. m., or 12 o'clock noon next following placement, except that on team or public delivery tracks notice of placement shall be given, and that cars to be loaded at coal mines shall not be treated as placed until actual loading of the cars shall have commenced.

RULE III.

On cars for unloading, if actual notice is given and car placed before 12 o'clock noon, free time shall begin at noon. If actual notice is given and car placed after 12 o'clock noon, free time shall begin at 7 o'clock a. m., following. If constructive notice alone is given after 7 o'clock a. m., and before 12 o'clock noon,

free time shall begin at 7 o'clock a. m. thereafter, and if given after 12 o'clock noon and before 7 o'clock a. m. next day, free time shall begin at 12 o'clock noon thereafter.

RULE IV.

The notice referred to in these rules, except as to the cars placed for loading, may be either actual or constructive, and in either case shall be in writing, and must show the initial and number of the car, the rate and also the weight thereof, when cars are weighed before delivery, and also the amount of charges upon said car or cars, and also the name of the consignor and point of origin, when said name and point are known, or can be obtained by reasonable diligence. Actual notice shall be given by delivering said written notice to the consignee in person, or by leaving the same with his agent or employe at his usual place of business, if he has such place of business, in the vicinity of the station, town or city to which said car has been consigned. Constructive notice shall be given by depositing said written notice in the U. S. mail, properly stamped and addressed to the consignee, provided, however, any individual shipper may agree in writing with any railroad company as to the form of notice, in which event the foregoing rule as to form of notice shall not apply, but no such agreement shall be incorporated in any bill of lading or original contract of shipment.

RULE V.

When, on account of delay or irregularity of transportation, cars are bunched in transit and delivered to consignee in numbers beyond his reasonable ascertained ability to unload within the free time prescribed in these rules, he shall be allowed by the carrier such additional time as may be necessary to unload cars, so in excess, by the exercise of due and usual diligence on the part of the consignee.

It is, therefore, ordered by the Commission that all charges, rules and regulations of said Louisville Car Service Association and of said railroads in conflict herewith, be, and the same are hereby, determined to be unjust and unreasonable, and all

moneys charged, collected or received thereunder, are in the opinion of this Commission, extortionate.

All other questions herein involved are expressly reserved for future determination by this Commission. The Commission reserves the power to modify the order herein at any time when it may be deemed just and proper.

C. C. McCHORD, *Chairman,*
A. T. SILER, *Commissioner Third District,*
McD. FERGUSON, *Commissioner First District.*

The foregoing is a true copy of a record on file in the office of the Railroad Commission, showing the decision of the Commission in the matter of the complaint of the Lumbermen's Club, of Louisville, Ky., vs. The Louisville Car Service Association, etc., as to extortionate demurrage on cars.

Given under my hand this .... day of October, 1904.

M. R. GLENN,
Secretary the Railroad Commission.

E. R. BASSETT, *Complainant,*
vs.
ILLINOIS CENTRAL RAILWAY CO., *Defendant.*

Subject: Extortionate rates on coal.

Complaint investigated and the following reductions made on coal per ton of 2,000 pounds, viz.: From all stations on main line east of Green river and in Owensboro district, to the following points:

	OLD RATE.	NEW RATE.
To Goff's, Spring Lick, Caneyville, Millwood, Keyser's and Leitchfield	$0 80	$0 60
To Grayson Springs	1 00	70
To Big Clifty, East View, Stephensburg, Hansborough and Cecilia	1 20	80
To St. John	1 20	1 00

E. KELLEY & SON, *Complainants,*
vs.
ILLINOIS CENTRAL RAILWAY CO., *Defendant.*

Subject: Extortionate rates on coal.

Complaint investigated and rates reduced from all mines east of Green river and Owensboro district, as follows, viz.:

	OLD RATE.	NEW RATE.
To Spring Lick	$0 80	$0 60

S. M. BRADLEY, *Complainant,*
vs.
CHESAPEAKE & OHIO, LEXINGTON & EASTERN, LOUISVILLE & ATLANTIC AND OHIO & KENTUCKY RAILWAYS, *Defendants.*

Subject: Extortionate rates on crossties.

This complaint was investigated, and after full hearing of the evidence and argument of counsel, the following reductions

were made from all stations on the Chesapeake & Ohio Railway, viz.:

	Old Rate.	New Rate.
To Huntington, Va., and Ashland and Lexington, Ky.	$0 09	$0 07
To Cincinnati, O.	15	12
To Louisville, Ky.	11	09
To Pittsburg, Pa.	18	14½

THE BIGSTAFF CANNEL COAL COMPANY, *Complainants,*
vs.
CHESAPEAKE & OHIO, LOUISVILLE & ATLANTIC, LEXINGTON & EASTERN, AND OHIO & KENTUCKY RAILWAYS, *Defendants.*

Subject: Extortionate rates on coal.

The complainants failed to appear, either in person or by counsel, at the time and place fixed for the investigation of this complaint; the Commission, however, made an investigation, and as a result the following reductions were made, per ton, from all stations on the Ohio & Kentucky Railway to all stations on Chesapeake & Ohio Railway, between and including Pine Grove and Ewington, as follows:

	Old Rate.	New Rate.
On bituminous and semi-cannel coal	$1 45	$1 25
On cannel coal	1 50	1 30
From Louisville & Atlantic stations to same points	1 45	1 20

J. V. SHIPP, *Complainant,*
vs.
LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Subject: Extortionate rate on live stock, Midway to Latonia, Ky.

This complaint was investigated and a new tariff issued, reducing the rate to and from the points indicated, as follows:

Old Rate.	New Rate.
$0 41	$0 28

J. F. LYNCH, *Complainant,*
vs.
CHESAPEAKE & OHIO RAILWAY CO., *Defendant.*

Subject: Extortionate rates on coal from points on Ohio & Kentucky Railway to Chilesburg.

Complaint investigated and the following reductions made per ton, viz.:

	OLD RATE.	NEW RATE.
On cannel coal	$1 60	$1 30
On bituminous coal	1 45	1 20

T. C. GOODWIN, *Complainant,*
vs.
CHESAPEAKE & OHIO RAILWAY CO., *Defendant.*

Subjevt: Extortionate rates on coal to Pine Grove, Ky.

This complaint was investigated and the following reductions made, per ton, on coal from all points on the Ohio & Kentucky Railway to Pine Grove, Ky.:

	OLD RATE.	NEW RATE.
On cannel coal	$1 60	$1 30
On bituminous coal	1 45	1 20

W. P. TITUS, *Complainant,*
vs.
CHESAPEAKE & OHIO, THE LEXINGTON & EASTERN, AND THE LOUISVILLE & ATLANTIC RAILWAY COMPANIES, *Defendants.*

Subject: Extortionate rates on coal from Louisville & Atlantic Railway points to all stations between and including Pine Grove and Ewington, Ky.

This complaint was investigated, and by agreement of parties the following reductions were made and approved by the Commission to and from said points, viz.:

OLD RATE.	NEW RATE.
$2 00	$1 30

CITIZENS OF WOODFORD COUNTY, *Complainants,*
vs.
THE SOUTHERN RAILWAY COMPANY IN KENTUCKY, *Defendant.*

Subject: Application for safety alarm signals at highway crossings.

This complaint and application was investigated and the attention of the proper officials of the Southern Railway Company in Kentucky was called to the necessity of protecting the two crossings just beyond the corporate limits of the city of Versailles, who very promptly ordered electrical alarm signals placed at each of said crossings, and an order for the necessary material has been made.

THOMPSON & LAKE, *Complainants,*
vs.
LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Subject: Extortionate rate on tobacco.

Rate reduced and approved as follows: Unmanufactured tobacco in hogsheads, any quantity, per 100 pounds, to Louisville, Ky., from the following points, viz.:

	OLD RATE.	NEW RATE.
Springfield, Valley Hill, Booker, Croakes, Woodlawn, Greenbrier, Early Times.....	$0 20	$0 15

CITIZENS OF KNOX AND BELL COUNTIES, *Complainants,*
vs.
LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Subject: Extortionate passenger rate of four cents per mile between all points on Cumberland Valley Division.

Pending the investigation of this complaint the Louisville & Nashville Railroad Company issued a new tariff, reducing its passenger rate to and from all stations upon its Cumberland Valley Division from four cents to three cents per mile, which rate and tariff is approved, and the complaint herein is dismissed settled.

THE HOPKINSVILLE COMMERCIAL CLUB, *Complainant,*
vs.
THE ILLINOIS CENTRAL AND LOUISVILLE & NASHVILLE RAILROAD COMPANIES, *Defendants.*

Subject: Extortionate rates on coal to Hopkinsville.

This complaint was partially investigated; before its completion complainant requested the Commission to suspend further action and permit it to take the matter up direct with the defendants. The request was granted, and new tariffs have since been issued, reducing rates to Hopkinsville, and nothing further has been heard from complainant.

H. D. RODMAN AND OTHERS, *Complainants,*
vs.
SOUTHERN RAILWAY IN KENTUCKY, *Defendant.*

Subject: Insufficient depot accommodation, Joyce Station.

Complaint investigated; depot found to have been destroyed by fire; defendant notified to rebuild. Plans have been drawn and material ordered for same.

J. N. SHEHAN, *Complainant,*
vs.
LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Subject: Failure to maintain agency at Barker Station.

Investigation made; defendant requested to secure agent and maintain agency; request complied with and agency now maintained.

CURRY GROCERY CO., *Complainant,*
vs.
LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Subject: Discrimination in rates from Junction City to points on Kentucky Central Division.

Shortly after this complaint was filed, complainant's business house and contents were entirely destroyed by fire, and this

complainant being the only shipper at Junction City affected by the rates complained of, and by their request this complaint is continued until such time as complainant may indicate.

HATCHELL & DAVIS, *Complainants,*
vs.
SOUTHERN RAILWAY IN KENTUCKY, *Defendant.*

Subject: Extortionate rates on milling products from Jeffersontown to points south of Burgin, Ky., on Cincinnati, New Orleans & Texas Pacific Railway.

This complaint was investigated, and defendant agreed to refund excess of Louisville proper rate and to charge such rate on all future shipments of milling products to and from the points indicated.

GENTRY & KENNY, *Complainants,*
vs.
LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

This complaint alleged that defendant refused to furnish bill on transport cars of coal from mines upon the Knoxville Division of defendant's road consigned to shippers at Danville, Ky., Danville being a point upon the Cincinnati, New Orleans & Texas Pacific Railway, four miles north of Junction City. As a result of this refusal, dealers at Danville were compelled to consign cars to Shelby City and haul their coal by wagon to Danville, at great inconvenience. While the Commission had no power to order the service, yet it felt that it was its duty, as has always been its policy, to intercede when the complaint is considered meritorious, even where it had no real authority. After several conferences with officials of the Louisville & Nashville and Cincinnati, New Orleans & Texas Pacific Railway Companies, the matter was amicably adjusted, the complainant, at the request of the Commission, agreeing to dismiss a civil action against the defendant growing out of the matter complained of, and the defendant ordered cars delivered to Danville and other shippers of coal upon the line of the Cincinnati, New Orleans & Texas Pacific Railway, thus giving the service desired.

M. SABEL & SON, *Complainants,*

vs.

SOUTHERN RAILWAY IN KENTUCKY, CINCINNATI, NEW ORLEANS & TEXAS PACIFIC RAILWAY, AND LOUISVILLE & NASHVILLE RAILROAD CO., *Defendants.*

Subject: Extortionate rates on wool.

This complaint was partially investigated. Complainants requested the Commission to permit them to take the questions involved up direct with the several railroads affected. The request was granted and the investigation continued.

CITIZENS OF BURNSIDE, *Complainants,*

vs.

CINCINNATI, NEW ORLEANS & TEXAS PACIFIC RAILWAY CO., *Defendant.*

Subject: Insufficient depot accommodations.

This complaint was investigated, and it appearing that the depot at Burnside was inadequate for the accommodation of the shipping and traveling public, the defendant was so notified, and the same was thereafter remodeled and enlarged.

J. M. BERRY & SON, *Complainants,*

vs.

CINCINNATI, NEW ORLEANS & TEXAS PACIFIC RAILWAY CO., *Defendant.*

Subject: Overcharge on merchandise.

Complaint investigated, overcharge refunded and dismissed settled.

J. M. RINGO AND OTHERS, *Complainants,*

vs.

ILLINOIS CENTRAL RAILWAY AND LOUISVILLE & NASHVILLE RAILROAD CO., *Defendants.*

Subject: Refusal to permit transportation to live-stock shippers on consignment of stock to Louisville.

The Commercial Club of the City of Louisville joined with the Commission in this investigation. It was alleged that carriers entering Louisville north of the Ohio river provided such transportation, while those entering the city from the south refused. The investigation disclosed the fact that this practice had been abandoned by all railroads entering the city of Louisville. Complainants have since joined in a written communication to all roads entering Louisville, requesting that such transportation be allowed.

ALVIN KARNES, *Complainant,*
vs.
LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Subject: Failure to furnish cars.

This complaint was investigated, and it developed that on account of the great volume of business and congested traffic, defendant had been unable to supply the necessary cars required by complainant for a number of days. Shortly thereafter the Commission was advised by complainant that cars were being promptly furnished, and he had no further complaint.

COMMERCIAL CLUB OF STANFORD, *Complainant,*
vs.
LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Subject: Application for electrical alarm signal.

Complaint investigated. Petition granted and signal erected.

J. C. LEWIS, *Complainant,*
vs.
CINCINNATI, NEW ORLEANS & TEXAS PACIFIC RAILWAY CO., *Defendant.*

Subject: Extortionate rate on all freight to Burnside.

Complaint investigated and general reduction of three cents per hundred and new tariff issued.

GEORGE M. SMITH, *Complainant,*
vs.
CINCINNATI, NEW ORLEANS & TEXAS PACIFIC RAILWAY CO., *Defendant.*

Subject: Extortionate demurrage charge on car of coal.

Complaint investigated and overcharge refunded.

JONES & TAYLOR, *Complainants,*
vs.
CINCINNATI, NEW ORLEANS & TEXAS PACIFIC RAILWAY CO., *Defendant.*

Subject: Refusal to bill freight at tariff rate and to deliver on order of consignor.

Complaint investigated, and freight now billed and properly delivered.

GREAT WESTERN COAL AND COKE COMPANY, *Complainant,*
vs.
LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Subject: Failure to furnish coal cars and to transport cars of other companies when tendered.

Complaint investigated. Cars now furnished and transported and complaint withdrawn.

PULLIAM & HOUSTON, *Complainants,*
vs.
CINCINNATI, NEW ORLEANS & TEXAS PACIFIC RAILWAY CO., *Defendant.*

Subject: Claim for damage in shipment of printing press.

Complaint investigated and claim paid.

J. L. GRISSOM AND OTHERS, *Complainants,*
vs.
CINCINNATI, NEW ORLEANS & TEXAS PACIFIC RAILWAY CO., *Defendant.*

Subject: Failure to issue tariff reducing rates as per agreement.

Complaint investigated and tariff issued.

GRIGSBY & CO., AND C. R. BARNES, *Complainants,*
vs.
LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Subject: Petition to have depot yards at Bardstown macadamized.

Complaint investigated and entire yard macadamized.

CITIZENS OF BARDSTOWN JUNCTION, *Complainants,*
vs.
LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Subject: Petition for new passenger station.

Complaint investigated and new depot constructed.

HOWES & HOWES, *Complainants,*
vs.
CHESAPEAKE & OHIO RAILWAY CO., *Defendant.*

Subject: Failure to transport freight through connecting carrier from White House to Pikeville.

Complaint investigated, and freight now transported.

A. J. COLE, LAGRANGE, KY., *Complainant,*
vs.
LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Subject: Extortionate rate on tomatoes, Lagrange to Sparta, Ky.

Complaint investigated and overcharge refunded.

B. F. AVERY & SONS, LOUISVILLE, KY., *Complainants,*
vs.
BALTIMORE & OHIO SOUTHWESTERN RAILWAY CO., *Defendant.*

Subject: Application for construction of bridge over alley in city of Louisville.

Application approved and bridge erected under restrictions contained in order.

GANO KELLY, GEORGETOWN, KY., *Complainant,*
vs.
FRANKFORT & CINCINNATI RAILROAD COMPANY, *Defendant.*

Subject: Extortionate rate on coal.

Complaint withdrawn.

EATON, MCCLELAN & CO., *Complainants,*
vs.
LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Subject: Refusal to accept freight and cars from connecting carrier.

Complaint investigated; freight and cars now accepted.

JONES & TAYLOR, *Complainants,*
vs.
CINCINNATI, NEW ORLEANS & TEXAS PACIFIC RAILWAY CO., *Defendant.*

Subject: Unauthorized delivery of freight at station other than point of destination.

Complaint investigated; dismissed settled.

LOUISVILLE INTERURBAN RAILWAY COMPANY, *Complainant,*
vs.
SOUTHERN RAILWAY IN KENTUCKY, *Defendant.*

Subject: Application for grade crossing.

Complaint investigated; application refused.

Under-grade crossing ordered at joint expense of complainant and defendant.

ATLANTIC & PACIFIC OIL COMPANY AND OTHERS, *Complainants.*

vs.

CHESAPEAKE & OHIO RAILWAY COMPANY, LOUISVILLE & NASHVILLE RAILROAD CO., AND CINCINNATI, NEW ORLEANS & TEXAS PACIFIC RAILWAY COMPANY, *Defendants.*

Subject: Extortionate rate on crude oil to Louisville, Cincinnati and other points.

Complaint investigated, resulting in general reduction and new tariffs.

ESTILL COUNTY OIL CO., *Complainant,*

vs.

THE LOUISVILLE & ATLANTIC, AND CINCINNATI, NEW ORLEANS & TEXAS PACIFIC RAILWAYS, *Defendants.*

Subject: Extortionate rates on crude oil, Irvine to Somerset, Ky. After this complaint had been investigated, complainant notified the Commission that a satisfactory adjustment of the rate contended for had been made, and no further steps have been taken.

BLUEGRASS TRACTION CO., *Complainant,*

vs.

SOUTHERN RAILWAY IN KENTUCKY, *Defendant.*

Subject: Application for grade crossing at Paris, Ky.

Application approved after investigation, and grade crossing allowed under restrictions stated in order.

THOMPSON & GREEN, *Complainants,*

vs.

LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Subject: Overcharge on coal.

Complaint investigated, overcharge refunded and complaint dismissed settled.

LOUISVILLE BOARD OF TRADE, *Complainant,*
vs.
LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Subject: Application for exoneration of Louisville shippers from provisions of long and short haul sections of Constitution and statutes, at 150 points, and objections thereto by shippers at intermediate points.

Upon the receipt of this application and petition and objection of shippers at intermediate points, the evidence offered by the Louisville Board of Trade and defendant railroad company was heard, and then the representative of the Board of Trade asked permission to withdraw its complaint with the privilege of again filing it in a different form, which request was granted.

H. C. MCFARLAN, *Complainant,*
vs.
LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Subject: Insufficient depot accommodation at Beard Station, Ky.

Complaint investigated and depot remodeled.

J. H. MITCHELL, *Complainant,*
vs.
LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Subject: Extortionate rate on sand.

Complaint investigated and error in tariff corrected and overcharge refunded.

J. H. MCPHERSON, *Complainant,*
vs.
CINCINNATI, NEW ORLEANS & TEXAS PACIFIC RAILWAY, *Defendant.*

Subject: Extortionate rates on coal from Ohio and Kentucky railroad points to Williamstown, Ky.

Complaint investigated and rate reduced to 40 cents per ton.

CITIZENS OF BURNSIDE, KY., *Complainants;*

vs.

CINCINNATI, NEW ORLEANS & TEXAS PACIFIC RAILWAY, *Defendant.*

Subject: Petition for watchman or electric alarm signal at highway crossing, and complaint as to extortionate rates at Burnside, Ky.

Complaint investigated, alarm signal erected and new tariff, reducing rates, issued.

CITIZENS OF LEBANON AND MARION COUNTY, *Complainants,*

vs.

LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Subject: Extortionate coal rates.

Pending this complaint the company reduced its rates complained of on coal to Lebanon from all mines upon its Knoxville and Cumberland Valley branches, which mines are designated groups Nos. 1, 2, 3 and 4. The following shows the old and new rates in dollars and cents per ton, viz.:

	Groups			
	1.	2.	3.	4.
Former rate	$1 85	$1 65	$1 60	$1 60
Present rate	1 40	1 20	1 15	1 10

In the judgment of the Commission, the reduction so made is reasonable and just. The rate is, therefore, approved, and this complaint as to rate on coal is dismissed settled.

THOMPSON & LAKE, *Complainants,*

vs.

LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Subject: Extortionate coal rates.

Pending this complaint, the Louisville and Nashville Railroad Company reduced its rates complained of on coal to Springfield from all mines upon its Knoxville and Cumberland Valley branches, which mines are designated groups Nos.

1, 2, 3 and 4. The following shows the old and new rates in dollars and cents per ton, viz.:

	Groups			
	1.	2.	3.	4.
Former rate	$2 30	$2 10	$2 05	$2 00
Present rate	1 50	1 30	1 25	1 20

It appearing to the Commission that the reduction so made is just and reasonable, said present rate is approved, and this complaint as to rates on coal is dismissed settled.

A. BROOKS, *Complainant,*

vs.

LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Subject: Extortionate rate on coal from Earlington to Robards.

Complaint investigated and rate reduced from 90 cents per ton to 50 cents per ton, and the reduced rate being a just and reasonable rate in the opinion of the Commission, complaint was dismissed settled.

CITIZENS OF SHELBY COUNTY, *Complainants,*

vs.

CHESAPEAKE & OHIO RAILWAY ANL LOUISVILLE & NASHVILLE RAILROAD, *Defendants.*

Subject: Failure to furnish local trains between Shelbyville and Christianburg.

Finding for complainants; written opinion rendered and filed in Shelby Circuit Court; suit filed by complainants seeking mandatory injunction to require the companies to furnish the accommodation; now pending in said court.

H. CLAY MCKEE, ETC., *Complainants,*

vs.

CHESAPEAKE & OHIO RAILWAY CO., *Defendant.*

Subject: Overcharge on coal.

Company notified; complaint adjusted; overcharge refunded, and dismissed settled.

O. H. THOMAS, *Complainant,*

vs.

SOUTHERN RAILWAY IN KENTUCKY, *Defendant.*

Subject: Overcharge on tobacco.

Company notified; overcharge refunded; complaint adjusted, and dismissed settled.

W. H. CASTNER, *Complainant,*

vs.

A., C. AND I. RAILWAY, *Defendant.*

Subject: Extortionate rates.

Company notified; new tariff reducing rates adopted, and complaint dismissed settled.

NEWPORT LUMBER COMPANY, *Complainant,*

vs.

CHESAPEAKE & OHIO RAILWAY CO., *Defendant.*

Subject: Extortionate and discriminate switching charges.

Complaint investigated; company reduced rates; dismissed settled, on motion of complainant.

J. H. PETTUS, *Complainant.*

vs.

LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Subject: Extortionate rate on cement.

Company reduced rate from 24 cents to 12 cents per 100 pounds before investigation.

THEO. CURRY, *Complainant,*

vs.

LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Subject: Extortionate rate on millet, Nashville to Lancaster.

Complaint investigated; found to be an overcharge of 15 cents per 100 pounds; excess of rate refunded, and complaint dismissed.

JOHNSON LUMBER COMPANY, *Complainant,*
vs.
LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Subject: Extortionate rate on lumber from southern territory to Sparta, Ky.

Complaint investigated; company granted Cincinnati rate of 22 cents per 100 pounds, in lieu of 27-cent rate heretofore charged, and complaint dismissed settled.

C. C. YOUNGER, *Complainant,*
vs.
LOUISVILLE, HENDERSON & ST. LOUIS RAILWAY, *Defendant.*

Subject: Failure to furnish cars.

Complaint investigated and found not well taken, and dismissed.

CITIZENS OF HILL SPRING, *Complainants,*
vs.
LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Subject: Abandonment of station.

Commission made investigation and inspected station; the company reconsidered its determination to abandon, and the station is retained.

CITIZENS OF BURNSIDE, *Complainants,*
vs.
CINCINNATI, NEW ORLEANS & TEXAS PACIFIC RAILWAY, *Defendant.*

Subject: Insufficient depot accommodations.

Complaint investigated; company notified; admitted that the complaint was well taken, and ordered additions to depot made.

GEORGETOWN & LEXINGTON TRACTION CO., *Complainant,*
vs.
CINCINNATI, NEW ORLEANS & TEXAS PACIFIC RAILWAY, *Defendant.*

Subject: Petition for approval of crossing.

Petition investigated; parties heard, and overhead crossing approved.

GEORGETOWN & LEXINGTON TRACTION CO., *Complainant,*
vs.
SOUTHERN RAILROAD, *Defendant.*

Subject: Petition for approval of grade crossing.

Crossing inspected and approved.

J. O. DIXON, *Complainant,*
vs.
LOUISVILLE & NASHVILLE RAILROAD AND ILLINOIS CENTRAL RAILROAD, *Defendants.*

Subject: Overcharge on live stock.

Complaint investigated; overcharge refunded, and complaint dismissed settled.

HARLAN & LOWE MILLING CO., *Complainant,*
vs.
ILLINOIS CENTRAL RAILWAY CO., *Defendant.*

Supbject: Extortionate rate on flour and bran from Bardwell to Fulton.

Complaint investigated, and rate reduced.

Old rate on bran is less than car loats, fourteen cents per cwt.; new rate on bran in less than car lots, eleven cents per cwt.

Old rate on flour in less than car lots, thirty-three to thirty-six cents per barrel; new rate on flour in less than car lots thirty cents per barrel.

The new rate being just and reasonable, in the opinion of the commission, same was approved, and complaint dismissed settled.

W. B. RHINEHART, SPRINGFIELD, KY., *Complainant,*
vs.
LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Subject: Extortionate rates on household goods to California.

Complainant removed to California and refused to prosecute complaint. In absence of further information, complaint dismissed.

S. C. EARLY, FLAT LICK, KY., *Complainant,*
vs.
LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Subject: Extortionate charge for loading and switching cars at Flat Lick.

Investigation showed that charges were made on private switch; railroad company acquired switch by purchase and ceased charging for use of it.

L. D. O'ROARK, GRAYSON, KY., complained that freight rates charged on crossties in his vicinity were excessive. Request by commission for names of railroads making such excessive charges was ignored, and the complaint was dismissed.

L. E. MORRIS, SULPHUR, KY., *Complainant,*
vs.
LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Subject: Extortionate charges on merchandise to Sulphur.

Complaint investigated; complainant reported and rates have been satisfactorily adjusted, and complaint is dismissed settled on complainant's motion.

CITIZENS OF MT. STERLING, *Complainants,*
vs.
CHESAPEAKE & OHIO RAILWAY, *Defendant.*

Subject: Watchman or signal needed at crossing near city.

Complaint investigated; company ordered to put in alarm signal at crossing, and complaint was dismissed settled.

C. H. HATCHETT, NEWTON, KY., *Complainant,*
vs.
F. & C. RAILWAY, *Defendant.*

Subject: Exorbitant charge of four cents per mile passenger rate between Newton and Georgetown.

Complaint investigated; company agreed to reduce the rate to three cents per mile, effective July 17, 1902.

KENTUCKY SHOE MANUFACTURING CO., EDDYVILLE, KY., *Complainant,*
vs.
ILLINOIS CENTRAL RAILROAD CO., *Defendant.*

Subject: Extortionate rates, Boston to Eddyville.

Complaint investigated, and Illinois Central Railroad Company reduced its proportionate rate from Louisville to Eddyville and made request of connecting lines for reduction from Boston to Louisville.

J. H. LETTON, MILLERSBURG, KY., *Complainant,*
vs.
LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Subject: Extortionate rate on coal from Winchester to Cynthiana, Millersburg, Paris, Carlisle and points on Maysville branch.

Investigation made by correspondence with representatives of road, and a reduced rate put in as follows, from Winchester to Carlisle and Cynthiana, viz.: Former rate to Carlisle, $1.40 per ton; new rate to Carlisle, $1.15 per ton. Former rate to Cynthiana, $1.30 per ton; new rate to Cynthiana, $1.10 per ton. A corresponding reduction was made and a new tariff issued, covering all points on Paris and Maysville branch.

CENTRAL STOCK YARDS *et als., Complainants,*
vs.
LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Subject: Refusal by defendant to bill, transport or switch cars and live stock from points within and without the State to Central Stock Yards, Kentucky.

The parties were duly notified, and the complaint was fully heard at Frankfort. A large number of witnesses were introduced and their depositions taken; after hearing and considering the evidence and argument of counsel, the Commission rendered an opinion, and filed before the Interstate Commerce Commissio na petition seeking the same relief as to interstate traffic.

Upon the trial of this complaint, it was earnestly argued that it is better for the shipper and all parties concerned that but one stock yard be maintained in the city of Louisville. The following letter recently received from the manager of the Central Stock Yards Company shows the advantages claimed by reason of competition in this business:

LOUISVILLE, December 6, 1902.

HON. C. C. MCCHORD,
Chairman R. R. Commission, Springfield.

DEAR SIR:—The advantages the Central Stock Yards Company has been able to secure and offer the live stock shippers to this market are as follows: Shippers on the Southern Railway in Kentucky are given the Louisville-proper rates to Central Stock Yards, Ky., saving them a terminal charge of $2 per car. On the St. Louis division of the Southern Railway the same terminal charge was saved, in addition to which a reduction in rates on cattle 1 to 3 cents, hogs 1½ to 3 cents, sheep 1½ to 3½ cents per hundred pounds was made in order to place our market on an equitable basis. Rates from all stations on the Illinois Central Railroad were reduced $2.00 per car on all classes of live stock. On all live stock from or to the L., H. & St. L., P., C., C. & St. L., C., I. & L., B. & O. S. W., C., C., C. & St. L. and C. & O. railroad rates were reduced $1.00 per car on account of the terminal charges being reduced $1.00 per car.

The terminal service is greatly improved, the competition

demanding it. We hear few complaints from shippers to either yards now, but prior to this the delays were serious and very damaging, in many instances, to shippers from all roads entering Louisville.

Charges for yardage and weighing—

	Old rate.	New rate.	Equal to reduction of
Cattle	20c per head	10c per head	$3.00 per car
Calves	10c per head	5c per head	
Hogs	7c per head	4c per head	$3.00 per car
Sheep and Lambs	5c per head	3c per head	$5.00 per car

Commissions for selling cattle: Old rate, 75 cents per head; maximum of $18.00 per car. New rate, 50 cents per head; maximum of $12.00 per car. Saving, $6.00 per car. All told, making a saving to shippers of from $10 to $15 per car.

The Southern Railway makes deliveries from or to all lines entering Louisville, without discrimination as to point of origin or destination, thereby causing sharp competition between the lines for business both ways—something that has never existed prior to the inauguration of the Central Stock Yards.

Taking these many advantages into consideration, with proper support from the shippers, they being permitted to serve their best interests, we can make this one of the largest and best markets in the country.

Yours truly,

R. C. WATKINS, Traffic Manager.

BERRY & SON, MONTICELLO, KY., *Complainant,*

vs.

CINCINNATI, NEW ORLEANS & TEXAS PACIFIC RAILWAY, *Defendant.*

Subject: Overcharge on two consignments of swings.

Complaint investigated. Defendant acknowledged the overcharge, which was refunded to complainant and complaint dismissed settled.

MERCER COUNTY COMMERCIAL CLUB, *Complainant,*
vs.
SOUTHERN RAILWAY COMPANY IN KENTUCKY, *Defendant.*

Subject: Extortionate and discriminating rates on all commodities to Harrodsburg.

After having given more than ten days' written notice, by letter addressed to defendant, a meeting of the Commission was held at Harrodsburg, Ky., on the 5th day of August, 1902, at which time and place a number of witnesses were introduced by complainant and their depositions taken before the Commission. Before the completion of the investigation, it was agreed by complainants and defendant that the further taking of depositions be suspended, and that a committee be appointed by complainant to confer with defendant and take up all rates complained of to Harrodsburg, and the Commission was requested by the agreement of all parties to temporarily suspend the investigation until after this conference and until such time as they should receive notice from complainant to resume this investigation in the event an amicable adjustment of said complaint should not be arrived at. The Commission then furnished the Commercial Club with its tariffs of rates issued by the defendant and other railroads in the State. Since that time no notice has been received from complainant requesting a resumption of the investigation, and said complaint is therefore continued.

C. W. WILLS, *Complainant,*
vs.
FRANKFORT & CINCINNATI RAILWAY, *Defendant.*

Subject: Extortionate passenger rates, Georgetown to Frankfort.

This was a general complaint against defendant, charging that it did not conform to the tariff rates of three cents per mile for the transportation of passengers. A letter was addressed to complainant requesting him to come before the Commission and furnish the information in support of his claim. This complaint was forwarded by complainant from Frankfort, and

he was notified to come to the office of the Commission, but so far he has failed to do so, and his complaint is therefore dismissed.

J. H. MITCHELL, *Complainant,*
vs.
LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Subject: Extortionate rate on sand.

This complaint was investigated and found to be an error upon the part of the defendant in billing the car of sand. The excess over tariff rate was refunded to complainant, and the complaint was dismissed settled.

COMMERCIAL CLUB OF STANFORD, KY., *Complainants,*
vs.
LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Subject: Request for an electric alarm signal at highway crossing in Stanford, Kentucky.

A member of the Commission inspected the highway crossing and defendant was requested to erect the alarm signal, and the Commission has since been notified that the same has been done.

T. J. GRAVES, SPRINGFIELD, KY., *Complainant,*
vs.
LOUISVILLE & NASHVILLE RAILROAD CO., *Defendant.*

Subject: Overcharge on furniture from Louisville to Springfield.

Complaint investigated. Defendant admitted and refunded the overcharge to complainant, and complaint is therefore dismissed settled.

J. H. McPHERSON, WILLIAMSTOWN, KY., *Complainant,*
vs.
CINCINNATI, NEW ORLEANS & TEXAS PACIFIC RAILWAY, *Defendant.*

Subject: Extortionate rates on coal from Ohio and Kentucky railway points to Williamstown, Kentucky.

Complaint investigated and defendant requested to reduce its rates from $2 to $1.20 per ton, which was done. The reduced rate was approved by the Commission, and the complaint dismissed settled.

E. S. WILHOIT, DAWSON SPRINGS, KY., *Complainant,*
vs.
ILLINOIS CENTRAL RAILWAY CO., *Defendant.*

Subject: Overcharge on two shipments of apples from West Salem, Illinois, to Dawson Springs, Kentucky.

Complaint investigated by Commissioner Dempsey. An overcharge admitted and refunded by defendant to complainant, and complaint therefore dismissed settled.

CITIZENS OF COBB, KY., *Complainants,*
vs.
ILLINOIS CENTRAL RAILWAY CO., *Defendant.*

Subject: Petition for new passenger and freight depot at Cobb, Kentucky.

Complaint was investigated by Commissioner Dempsey, and defendant agreed to erect a new passenger and freight station in conformity with plans which have been drawn.

Appendix "B"

ARTICLES OF INCORPORATION

OF

Steam and Inter-Urban Electric Railroads.

NEW RAILROAD COMPANIES INCORPORATED.

January 6, 1905.—The Glasgow Railway Company filed a copy of its amended articles of incorporation, which authorizes an increase in the capital stock from $100,000 to $200,000.

February 18, 1905.—The Rockcastle Railroad Company filed a copy of its articles of incorporation, authorizing the construction of about seventy-five miles of railroad, beginning in Martin county and extending through the counties of Johnson, Lawrence and Boyd.

March 11, 1905.—The Ashland & Tug River Railroad Company filed a copy of its articles of incorporation, authorizing it to construct fifty-six miles of railroad running through the counties of Boyd, Lawrence and Martin.

March 24, 1905.—The Rockcastle Railroad Company filed a copy of its amended articles of incorporation, extending its line through the county of Johnson. When completed, this line will be seventy-five miles, instead of fifty-six miles, as intended in the original articles.

April 8, 1905.—The Millers Creek Railway Company filed a copy of its amended articles of incorporation, which authorizes it to extend its line through the counties of Floyd and Pike. When completed, this road will run through the counties of Johnson, Floyd and Pike, making a total mileage of seventy-five miles, instead of thirty-two miles, as originally intended. The capital stock is also increased from $16,000 to $27,000.

April 19, 1905.—The Cumberland Railroad Company filed its amendatory articles of incorporation, making the highest amount of indebtedness or liability, which said corporation may at any time incur $3,000, and making the capital stock $100,000.

April 19, 1905.—The Carrollton & Worthville Railroad Company filed its articles of incorporation, authorizing the construc-

tion of a railroad from Worthville, into or through the town of Carrollton, a distance of nine miles wholly in the county of Carroll.

April 21, 1905.—The Hodgenville, Buffalo & New Haven Railroad Company filed a copy of its articles of incorporation, authorizing it to construct twenty miles of electric road in the counties of Larue and Nelson, running from Hodgenville to New Haven via Buffalo, Ky.

May 11, 1905.—The Morganfield & Atlanta Railroad Company filed its articles of incorporation, authorizing the construction of a railroad from Morganfield to some point in the county of Webster, connecting with the Louisville & Nashville Railroad, running generally in a southeasterly direction, a distance of about thirty miles. The capital stock of this railroad is $50,000, all of which was paid in to the directors at its organization. This railroad will traverse the best portion of western Kentucky, and when completed will be one of the best small lines in the State.

May 24, 1905.—The Kentucky Southern Railway Company filed its amendatory articles of incorporation to the original articles and amended articles of incorporation, authorizing it to extend its limits through the county of Pulaski, a distance of about ten miles.

May 27, 1905.—The Cincinnati, Flemingsburg & Southeastern Railroad Company filed a copy of its articles of incorporation. This corporation is formed for the purpose of acquiring, constructing, operating and maintaining a railroad, extending from Johnson, Ky., to a point in Fleming county, a distance of seventeen miles, wholly in the county of Fleming at present, but the right is given by these articles of incorporation to extend this line through the counties of Bracken, Mason, Robertson, Bath, Rowan, Elliott, Menifee, Morgan, Wolfe, Magoffin, Lawrence, Johnson, Martin, Breathitt, Floyd, Pike, Knott, Letcher, Perry and Leslie.

June 2, 1905.—The Eminence & New Castle Electric Railway Company filed a copy of its amended articles of incorpora-

tion, changing the name to the Shelbyville & Ohio River Electric Railroad Company, and authorizing it to extend its line through the counties of Shelby and Trimble and increasing its capital stock. The total mileage of this road when completed, according to the amendatory articles, will be about forty-two miles.

June 3, 1905.—The Cairo & Tennessee River Railroad Company filed a copy of its amended articles of incorporation, stating that $250 per mile of its first section, extending from a point near Fort Jefferson, or at or near the junction of the Mississippi and Ohio rivers, to Mayfield, Kentucky, a distance of approximately thirty miles, has been subscribed and paid in.

June 6, 1905.—The Blackberry Creek Railroad Company filed its articles of incorporation, authorizing the construction of eight miles of railroad wholly within the county of Pike.

June 7, 1905.—The Intermountain Railroad Company filed a copy of its articles of incorporation authorizing it to construct a line of railroad wholly within the county of Martin, a distance of about fourteen miles.

June 7, 1905.—The Clear Valley Railroad Company filed its articles of incorporation, which authorizes the construction of ten miles of railroad, which is wholly within the county of Pike.

June 21, 1905.—The Lexington & Eastern Railway Company filed a copy of its amended articles of incorporation, authorizing it to extend its line from its present tracks at or near Jackson, Ky., through Breathitt county, up the North Fork of Kentucky river, crossing same at or near the mouth of Troublesome creek; thence up Troublesome creek to the mouth of Lost creek; thence up Lost creek, crossing into Perry county, thence crossing the divide between Lost creek and Lot's creek; thence down Lot's creek to the North Fork of Kentucky river; thence following the North Fork of Kentucky river to Hazard, Perry county, Kentucky, a distance of about thirty-three miles.

June 30, 1905.—The Kentucky Valley Railroad Company filed its articles of incorporation, which authorizes the construction

of line of railroad wholly within the county of Webster, extending from the town of Wheatcroft to Providence, a distance of about ten miles.

July 1, 1905.—The Madisonville, Hartford & Eastern Railroad Company filed a copy of its articles of incorporation authorizing it to construct sixty miles of railroad, to extend from Madisonville, in the county of Hopkins, to Mitchell's Station, in the county of Ohio, running generally in a northern direction through the counties of Hopkins, Muhlenberg, McLean and Ohio. The completion of this line is looked forward to with much earnestness by the citizens of these four counties. As it will run through the very heart of the western Kentucky coal field, it will undoubtedly be the cause of several large coal companies being formed in this section of the State, and will certainly be a very prosperous line.

July 31, 1905.—The Maysville, Carlisle, Millersburg & Paris Traction Company filed its articles of incorporation, authorizing the construction of about fifty miles of electric road, commencing in or near the city of Maysville, in Mason county, and extending through the counties of Mason, Fleming, Nicholas and Bourbon to some point in the city of Paris. When this line is completed it will prove of vast convenience to the people of these prosperous counties.

August 4, 1905.—The Cincinnati, Burnside & Cumberland River Railway Company filed a copy of its articles of incorporation, which authorizes the construction, maintenance and operation of a line of railroad from Burnside Junction, a point of connection with the Cincinnati Southern Railway at Burnside Station, in Pulaski county, to Burnside Landing, a landing at the junction of the Cumberland and South Fork rivers, in said county of Pulaski, and thence to the station of Tateville, on the line of the Cincinnati Southern Railway, in said Pulaski county, a distance of about four miles.

August 31, 1905.—The Kentucky & Tennessee Railroad Company filed a copy of its amended articles of incorporation, authorizing it to extend its line as follows: "The business to be

transacted and carried on by this corporation is, and shall be, that of acquiring, building, owning, maintaining and operating a railroad in the counties of Whitley and Wayne and State of Kentucky. Said railroad will begin at Stearns, Whitley county, Kentucky, about three (3) miles north of Pine Knot, at a junction with the Cincinnati, New Orleans & Texas Pacific Railroad, and run thence in a westwardly direction to the Big South Fork of the Cumberland river at or near the mouth of Roaring Paunch creek, and run northerly down said river to a point about opposite the mouth of Rock creek, and southerly up said river to the Kentucky and Tennessees State line, a distance of eighteen (18) miles; also crossing the Big South Fork of the Cumberland river at or near the mouth of Rock creek, and run southwestwardly up said creek to the Kentucky and Tennessee State line, a distance of nineteen (19) miles; in all, a distance of thirty-seven (37) miles."

Sept. 9, 1905.—The Frankfort & Versailles Traction Company filed a copy of its amended articles of incorporation. Section 1.—That whereas the language of the charter of this company is ambiguous and unsatisfactory as to the objects and purposes of the corporation, and the extent of its rights in and on the streets of the city of Frankfort, although its rights therein have been fully set out and secured in the ordinances of the common council of said city, now the undersigned being all the stockholders of said company, and being the board of directors thereof, being in session after due notice and by order of the board, all the stockholders consenting in writing thereto, hereby set forth these articles as an amendment to the charter of said company to the effect that the purposes and objects of the company are: (1) To construct, operate and maintain a line of railway in the State of Kentucky from Frankfort to Versailles, a distance of about sixteen miles, and which will run into and through the counties of Franklin and Woodford, and in and about the cities of Frankfort and Versailles, the same to be operated by electricity or other motive power except steam, with authority to obtain by purchase, lease or otherwise, and use as a part of its said line, the tracks, power, equipment, franchise and privileges of other electric railway companies; (2) to purchase or otherwise acquire the stocks, bonds or other securities

of any other electric railway company and with power to exercise generally the rights and privileges conferred on railway corporations under the provisions of chapter 32 of the Kentucky Statutes, and the amendments thereto; (3) to generate, produce and distribute electricity for power, light, heat and other purposes for its own use and for the use of other electric railway, power or light companies or other users of electricity.

September 25, 1905.—The Cumberland Railroad Company filed amendatory articles of incorporation. By these amendments this company is authorized to construct its line of railroad from a point on the Cumberland Valley Division of the Louisville & Nashville Railroad, near Artemus Station, in the county of Knox, running in a southerly direction, crossing the Cumberland river and extending by the most practicable route to a point in the city of Jellico, on the State line between the States of Kentucky and Tennessee, said railroad being in the counties of Knox, Bell and Whitley, and the length being thirty miles, or thereabout, instead of ten miles, as intended in the original articles. When this line is completed it will add much to these flourishing mountainous counties, which are rich in coal and other minerals.

October 7, 1905.—The Dawson Springs & Madisonville Railway Company filed articles of incorporation, which authorizes the construction of a line of railroad wholly within the county of Hopkins, extending from Dawson Springs to Madisonville, passing through said county from the southwestern to the central part, and over the most practical route thereof, existing between said two points. The completion of this line will add much to the convenience of the citizens of Dawson Springs, in getting to their county seat.

October 7, 1905.—The Cairo & Tennessee River Railroad filed this date amended articles of incorporation.

October 13, 1905.—The Pine Mountain Railroad Company filed a copy of its articles of incorporation, which authorizes the construction of a line of railroad commencing at a point on the Louisville & Nashville Railroad between one and two miles

south of Williamsburg, in Whitley county, running in an easterly direction up the Cumberland river to near the mouth of Poplar creek, thence up Poplar creek to headwaters and down Greasy creek to a point on the Cumberland Valley Division of the Louisville & Nashville Railroad, north of Pineville, extending through the counties of Whitley and Bell, a distance of approximately forty miles. This will doubtless prove to be another great developer for the mountainous section of the State.

November 11, 1905.—The South & Western Railroad Company this day filed a copy of its charter with the Commission, with a view of incorporating in the State of Kentucky.

December 1, 1905.—The Rockcastle Railroad Company filed a copy of its amended articles of incorporation, which authorizes the construction of 136 miles of railroad, instead of 75 miles, as originally authorized by the articles of incorporation. This line will traverse the counties of Boyd, Lawrence, Johnson, Floyd and Pike, and will assist much in the development of these counties.

December 2, 1905.—The Kentucky & Ohio River Interurban Railroad Company filed amendatory articles of incorporation, increasing the capital stock from $25,000 to $250,000.

January 16, 1904.—The Louisville & Southern Indiana Traction Company filed a copy of its articles of incorporation, authorizing to construct, own and maintain street and interurban railroads in the counties of Clark and Floyd, Indiana, and also, if deemed expedient by the company, such railroads may be extended in and through the counties of Scott, Jefferson, Jackson, Jennings, Harrison, Washington, Crawford and Orange, and are to have a length of about two hundred miles.

February 8, 1904.—The Kentucky & Tennessee Railway Company filed a copy of its articles of incorporation, authorizing the construction of eighteen miles of railroad, wholly in Whitley county, extending from Stearns, Ky., to the big South Fork of the Cumberland river. About three and one-half miles of this road is completed and being operated.

February 19, 1904.—The Fayette Interurban Traction Company filed a copy of its articles of incorporation, authorizing it to construct sixty-eight miles of railroad in the counties of Fayette, Jessamine, Woodford, Clark and Madison. These lines when constructed will be a great convenience to the citizens in and near the cities of Lexington, Nicholasville, Versailles, Winchester and Richmond.

March 3, 1904.—The Georgetown & Lexington Traction Company filed a copy of its amended articles of incorporation, changing its name to the Bluegrass Traction Company, increasing the amount of its capital stock and authorizing it to extend it as follows, viz.: To Paris, Ky., in Bourbon county, to Lexington, Ky., in Fayette county, a distance of about eighteen miles, through the city of Lexington and from Lexington to and in the city of Georgetown, Scott county, a distance of about twelve miles. These lines have been completed, and the Bluegrass Traction report this year twenty-eight miles of road being operated.

April 18, 1904.—The Caney & West Liberty Railroad Company filed its articles of incorporation, authorizing the construction of eight miles of railroad wholly in the county of Morgan, and extending through the town of Caney to a point at or near the town of West Liberty, and there connect with the Morehead & West Liberty Railroad Company, or any other railroad which may be built at or near said point.

May 3, 1904.—The Columbia & Lebanon Interurban Railway Company filed a copy of its articles of incorporation, authorizing it to construct a railroad from a point in the city of Lebanon, in Marion county, and through the county of Taylor, to a point in Columbia, Adair county, and also such branches and spurs within the counties aforesaid as may be deemed desirable for the development of the said corporation's general railroad business. The length of this railroad, including a spur to Bradfordsville, in Marion county, is forty-six miles approximately. It will intersect and cross the Campbellsville and Greensburg branch of the Louisville & Nashville Railroad in the city of Lebanon.

May 11, 1904.—The Louisville & Interurban Railroad Company filed a copy of its amended articles of incorporation, increasing the amount of its capital stock and authorizing it to extend its present line or lines as follows, viz.: "That article III of said articles of incorporation is amended so that said company shall have power, in addition to the other powers heretofore given of constructing, acquiring, operating and maintaining a railroad from a point at or near the town or village of Valley Station on the Salt River Turnpike, along and near the said Salt River Turnpike to a point on Salt river at or near the town of West Point in said State, a distance of nine miles. And also from a point in the city of Louisville, beginning at or near the intersection of Main and Johnson streets; thence over and along New Main street, Southall avenue, Mellwood avenue and Reservoir avenue, and through the Louisville Water Company's property to a point east of Pipe Line avenue and thence eastwardly on and to the town of Prospect in said county and State, a distance of ten and one-half miles. And also from a point at or near the terminus of the Louisville Railway Company's tracks, along or near the Preston Street Turnpike to Okolona, in the county of Jefferson." This company is now operating the Prospect line, 7.70 miles; the Jeffersontown line, 6.30 miles, and the Pleasure Ridge line, 6.30 miles.

May 16, 1904.—The Elkhorn & Beaver Valley Railway Company filed a copy of its articles of incorporation, authorizing it to construct a railroad, beginning at a point at or near the mouth of Beaver creek, in Floyd county, extending through the counties of Floyd, Knott and Letcher, a distance of sixty miles. When this line is completed it is expected that it will add greatly to the development of the mountainous part of the State.

May 19, 1904.—The Norfolk & Western Railway Company, a corporation created, organized and existing under the laws of the State of Virginia, filed a copy of its charter and articles of incorporation, authenticated by its seal and by the attestation of its president and secretary.

May 31, 1904.—The Mt. Sterling Shortline Railway Company filed its articles of incorporation, authorizing the construction

of a railroad from a point in the city of Mt. Sterling, through portions of Montgomery and Clark counties to a connection of the Lexington & Eastern Railway Company, at or near either the station known as Indian Fields or the station known as K. U. Junction, or at some point between the two hereafter to be determined. The length of this line when completed will be about nine miles.

June 21, 1904.—The Eminence & New Castle Electric Railroad company filed a copy of its articles of incorporation, authorizing it to construct a railroad wholly in the county of Henry, extending from the city of Eminence to the city of New Castle, through said city, thence northeastwardly toward the Kentucky river, a distance of ten and one-half miles.

July 11, 1904.—The Maysville & Big Sandy Railroad Company, the Lexington & Big Sandy Railway Company and the Covington Short Route Transfer Railway Company filed articles of consolidation. The name of the consolidated corporation is the Chesapeake & Ohio Railway Company of Kentucky.

July 23, 1904.—The Southern Pacific Company filed a copy of its amended articles of incorporation, which authorizes an increase of the capital stock.

August 10, 1904.—The Owensboro City Railroad Company filed a copy of its amended articles of incorporation, increasing the amount of its capital stock and authorizing it to extend its lines from Owensboro, in Daviess county, to Curdsville in said county, by way of the Deane coal mines, a distance of about sixteen miles.

August 24, 1904.—The Miller's Creek Railway Company filed a copy of its articles of incorporation, authorizing it to construct thirty-two miles of railroad, wholly in Johnson county. This road is to consist of three lines as follows: (1) From a point in Johnson county on the east side of the main east fork of the Big Sandy river near or intersecting the line of the Chesapeake & Ohio Railway Company to the forks of Daniel's creek. (2) From a point intersecting the line of road intended to be

constructed as aforesaid, at or near the mouth of Buffalo creek to the most practicable route to Miller's creek. (3) From a point at or near the headwaters of Miller's creek to a point intersecting the line of the Chesapeake & Ohio Railway Company on west side of main fork of Big Sandy river, about three miles from Paintsville, in what is known as "Stafford's Bottom."

August 31, 1904.—The Kentucky Midland Railroad Company filed a copy of its articles of incorporation authorizing the construction of a railroad from Madisonville, in Hopkins county, and extending through the counties of Hopkins and Muhlenberg to Central City, in Muhlenberg county, a distance of about twenty-six miles. When this road is completed it will be a great benefit to the thriving little cities of Madisonville and Central City, and will serve as a great feeder for both the Louisville & Nashville and Illinois Central railroads, as it will run directly through the richest coal field in Western Kentucky. The completion of this line is earnestly looked forward to by the citizens of Hopkins and Muhlenberg counties.

September 22, 1904.—The Evansville & Henderson Traction Company filed a copy of its articles of incorporation, authorizing it to construct, purchase or rent a line of interurban railroad from, in, to, through and between the city of Evansville and the town of Howell, both in Vanderburgh county, Indiana, and the city of Henderson, Henderson county, Kentucky.

November 9, 1904.—The Miller's Creek Railway Company filed a copy of its amended articles of incorporation. Article III is amended that the proposed thirty-two miles of railroad to be constructed will be partly in Floyd, and not wholly in Johnson county as heretofore intended.

Appendix "C"

PETITIONS FILED

BEFORE

The Inter-State Commerce Commission.

BEFORE THE

INTERSTATE COMMERCE COMMISSION.

THE RAILROAD COMMISSION OF KENTUCKY.

v.

Louisville & Nashville Railroad Company; Louisville, Henderson & St. Louis Railway Company; Illinois Central Railroad Company; Cleveland, Cincinnati, Chicago & St. Louis Railway Company; Pennsylvania Railroad Company; Chicago, Indianapolis & Louisville Railway Company; Baltimore & Ohio Southwestern Railroad Company; Pittsburg, Cincinnati, Chicago & St. Louis Railway Company; Erie Railroad Company; New York Central & Hudson River Railroad Company; Delaware, Lackawanna & Western Railroad Company; Lehigh Valley Railroad Company; New York, Ontario & Western Railway Company; Baltimore & Ohio Railroad Company; Norfolk & Western Railway Company; Chesapeake & Ohio Railway Company; The Trunk Line Association; and The Central Freight Association.

The Railroad Commission of Kentucky, by its Commissioners, A. T. Siler, McD. Ferguson and C. C. McChord, respectfully shows:

I. That the complainant, the Railroad Commission of Kentucky, is a department in the State Government of the Commonwealth of Kentucky, created and organized under and by the Constitution and laws of said Commonwealth with certain defined rights and duties under said Constitution and laws, and that as such Commission it is made its duty to see that the laws relating to all railroads are faithfully executed and to exercise a general supervision over the railroads of the State; that when-

ever it shall come to the knowledge of said Commission or when it shall have reason to believe that the laws affecting railroad corporations in their business relations to the public have been violated, the said Commission shall prosecute, or cause to be prosecuted, the corporations or persons guilty of such violations; and when such corporations violate or are about to violate the provisions of the act to regulate commerce, it is made the duty of said Commission to present the facts to this honorable Commission and to appeal to it for relief, and this petition is filed herein pursuant to the requirements of said Constitution and laws.

II. Your complainant further represents that each and all of the defendants named in the caption herein other than the defendants, the Trunk Line and Central Freight associations, are railroad corporations, engaged in interstate commerce either over their own lines of railroad or through connecting carriers throughout what is known as Trunk Line and Central Freight Association territory, and including various points in the State of Kentucky. Said defendant railroad companies are common carriers engaged in the through transportation of passengers and property to and from said points and are each and all engaged as such common carriers in interstate commerce and subject to the provisions of the act to regulate commerce, approved February 4, 1887, and acts amendatory thereof and supplementary thereto.

III. Complainants further state that by and through a combination and agreement between said defendants certain aggregate rates have been established, adopted and enforced and are now being charged and collected by said defendant railroads for the transportation of commodities to and from points in said territory, which, as applied to such transportation to and from certain hereinafter designated points in southwestern Kentucky, are unjust and unreasonable generally and relatively so as compared with rates charged by said defendants to and from other points in the States of Indiana and Illinois; that by an unlawful combination and agreement upon the part of said defendant railroads and with the assistance of said Trunk Line and Central Freight associations, said defendant railroad companies for many years past have been, and are now, discriminating against the shippers of Owensboro and Henderson, Ken-

tucky, and other points in Kentucky contiguous thereto upon all traffic to and from said Trunk Line and Central Freight Association territory, in that a higher rate of freight is charged for the transportation of all commodities than that charged for a like service to and from various points in Illinois and Indiana of equal, and in many instances of greater, distances under substantially similar circumstances and conditions; that by said combination and agreement upon the part of the defendant railroad corporations, together with various other railroads in all that territory east of the Mississippi and north of the Ohio rivers, known as the Trunk Line and Central Freight Association territory, defendants herein have been organized, all of said railroads being members thereof; and that said associations have been formed for the purpose of representing said railroads in formulating and enforcing a certain percentage basis or scheme for making and prorating rates to and from all points east of said Mississippi and north of said Ohio river, including certain points in the State of Kentucky, such as Louisville, Owensboro, Henderson and Paducah.

IV. Complainants further state that said Trunk Line and Central Freight associations are but creatures, agents and employes of said defendant railroad companies and other railroad companies, in the territory herein described, and as such agents and in combination with said railroad companies are controlling all competitive traffic throughout that large part of the United States, and in order to do so have divided the territory so covered into certain sections. In each section different classifications are used. The territory north of the Potomac and Ohio rivers and east of Chicago and the Mississippi river is one section and uses what is known as the Official Classification; that south of the Ohio and Potomac rivers and east of the Mississippi river is another section and uses the Southern Classification. That west of Chicago and the Mississippi river is again another section using the Western Classification, while competitive traffic to and from the Pacific Coast is still another and also uses the Western Classification as to class rates. The defendant, the Trunk Line Association, embraces the important railroads leading from the Eastern seaboard to such points as Buffalo, Erie, Salamanca, Pittsburg, Parkersburg and Wheeling, these points being known as the

Western termini of the Trunk Lines, and the Eastern termini of the roads in Central Freight Association territory. For many years these associations and the roads serving this territory and having their connections from the seaboard to the West and to certain points in the South have by agreement fixed the through rates from New York to Chicago. The rates thus adopted are made the standard or basis for the construction of tariffs from other Eastern cities and points adjacent thereto, either directly or indirectly, in competition for Western and certain Southern traffic. The roads from the East publish rates and issue through bills of lading to all Western points located on the railroads within the territory west of Buffalo and Pittsburg and east of the Mississippi and north of the Ohio rivers. This is done by agreement and these agreed rates from New York to Chicago are taken as the standard and called 100 per cent. Through rates to the West and to such Southern points south of the Ohio river, as Owensboro, Henderson and Paducah, in the State of Kentucky, are computed at a percentage of the New York-Chicago rates. Louisville, Ky., very properly takes the Chicago rate, or 100 per cent. Owensboro, Henderson and Paducah are required to pay 120 per cent., while Evansville, Ind., is given a 110 per cent. rate on South Bend traffic from the East and 105 per cent. on East-bound traffic. The basis for making standard class rates between Trunk Line Western termini points and points taking 100 per cent. or higher of the rates between New York and Chicago are certain percentages of the rates applying from the same percentage points of origin to New York.

V. Complainants say this 120 per cent. rate applying at Owensboro and Henderson, Ky., became effective many years ago, at which time there was only one railroad entering either Owensboro or Henderson from 100 per cent. territory, namely, the defendant, the Louisville & Nashville Railroad, running from Louisville, Ky., to and through said last-named cities, the distance by its rails to Owensboro being 215 miles. Since such adjustment, however, the defendant, the Louisville, Henderson & St. Louis Railway Company, has constructed its line from the city of Louisville, passing through Owensboro and Henderson, Ky., thence via the line of the defendant, the Louisville & Nashville, through Evansville, Ind., thence to St. Louis, and

thereby the distance from Louisville to Owensboro has been very greatly shortened, the exact distance being 113 miles. Complainants say the present adjustment of said rates was evidently made upon the idea that traffic to and from Trunk Line and Central Freight Association territory destined to Owensboro or Henderson, Ky., was transported by way of Evansville, and that on account of the bridge toll at Henderson it was deemed just and fair to charge the shippers at Owensboro and Henderson 10 per cent. greater rate to and from Trunk Line and Central Freight Association territory than was charged Evansville shippers. Complainants say that if this condition ever existed, it no longer exists for the reason that the principal portion of the traffic to Owensboro, Henderson and Evansville passes through the city of Louisville and is there turned over to the Louisville & Nashville, Illinois Central, or the Louisville, Henderson & St. Louis, thus giving to said defendants a long haut out of the business and their agreed proportions of the rate. Complainants say that the claim upon the part of the defendant railroad companies operating south of the Ohio river that the roads north of the river make the through rate from the East and that they can not control the situation is untenable, and especially so as regards traffic to the South, inasmuch as said Southern roads control this situation both out of the cities of Evansville, Ind., Henderson and Owensboro, Ky. Complainants further say that the defendant, the Louisville, Henderson & St. Louis Railway Company, through its connections at Louisville and by reason of its close traffic arrangements with its co-defendant, the Louisville & Nashville Railroad Company and its connections, is enabled to compete for and does transport a large portion of the traffic from and to the East to and from Evansville, Ind., passing directly through both Owensboro and Henderson, Ky., charging a less rate for the longer haul to Evansville than for a shorter haul and for a similar service rendered shippers at Owensboro and Henderson. Complainants say that upon traffic thus transported the question of bridge toll does not enter into the proposition at all so far as Owensboro and Henderson are concerned for the reason that when freight from points north of the Ohio river destined to either Owensboro or Henderson crosses the bridge at Louisville it is still in 100 per cent. territory and has no other bridge to cross after reach-

ing Louisville en route for Owensboro or Henderson. This is practically the same condition as exists on business destined to Evansville via lines north of the river, for the reason that after it reaches a 100 per cent. point, such as Terre Haute, Ind., the distance from Terre Haute to Evansville is practically the same as regards traffic from the East, and especially in view of the fact that what is commonly known as a Trunk Line railroad does not enter either city. Freight destined to Evansville is transported by one or the other of the Trunk Lines to Terre Haute and there turned over to some local road like the Evansville & Terre Haute or Evansville & Indianapolis Railroad, to be transported over their rails to Evansville. Upon the other hand, freight from the same territory destined to Owensboro or Henderson, Ky., is transported by one of the Trunk Lines to Louisville and there turned over to either the Illinois Central, the Louisville & Nashville, or the Louisville, Henderson & St. Louis Railway, to be transported to Owensboro and Henderson, as the case may be. Complainants say there are no competitive conditions existing at Evansville, Ind., that would or do justify a lower rate than that charged into or from Henderson or Owensboro, Ky. As an illustration of some of the discriminations practiced by the defendants, the following rates and percentages taken from a tariff now in effect show the through rate, per cent., and proportion thereof received by the defendant, the Louisville, Henderson & St. Louis Railway in connection with the Cumberland Gap Despatch to and from th epoints indicated, to-wit:

FROM	TO	Per Cent.	IN CENTS PER 100 POUNDS.						
			CLASSES	1	2	3	4	5	6
N. Y., N. Y.	Owensbero ...	24	Through rate....	80.	70.	54.	38.	32.	27.
			L., H. & St. L. proportion	17.28	14.88	11.04	7.2	5.76	4.56
"	East St. Louis	13.6	Through rate....	77.	67.	52.	37.	31.	26.
			L., H. & St. L. proportion	9.11	7.75	5.71	3.67	2.86	2.18
"	Evansville	20	Through rate ...	73.	64.	49.	35.	29.	25.
			L., H. & St. L. proportion	12.6	10 8	7.8	5.	3.8	3.
Boston, Mass	Owensboro ...	24	Through rate....	85.	74.	57.	40.	34.	28.5
			L., H. & St. L. proportion	18.48	15 84	11.75	7.68	6.24	4.2
,,	East St Louis	12.3	Through rate....	82.	71.	55.	39.	33.	27.5
			L., H. & St. L. proportion	8.86	7.5	5.58	3.57	2.88	2.15
"	Evansville	20	Through rate....	78.	68.	52.	37.	31.	26.5
			L., H. & St. L. proportion.....	13.6	11.6	8.4	5.4	4.2	3.1
Baltimore, Md.	Owensboro ...	24	Through rate ..	74.	64.	53.	36.	31.	25.
			L., H. & St. L. proportion	15.84	13.44	10.8	6.72	5.52	4.08
"	East St. Louis	14.5	Through rate ...	71.	61.	51.	35.	30.	24.
			L., H. & St. L. proportion	8.84	7.4	5.95	3.63	2.9	2.03
,,	Evansville	20	Through rate ..	67.	58.	48.	38.	28.	28.
			L., H. & St. L. proportion	11.4	9.6	7.6	4.6	3.6	2.6
Phila., Pa.	Owensboro ...	24	Through rate ...	76.	66.	54.	37.	32.	26.
			L., H. & St. L. proportion	16 32	13.92	11 04	6 96	5 76	4 32
"	East St. Louis	13.7	Through rate....	73.	63.	52.	36.	31.	25.
			L., H. & St. L. proportion	8.63	7.26	5.75	3.56	2.88	2.06
"	Evansville	20	Through rate...	69.	60.	49.	34.	29.	24.
			L., H. & St. L. proportion	11.8	10.	7.8	4.8	3.8	2.8

VI. Complainants aver that the defendants, and each of them, are violating the first, second, third and fourth sections of the act to regulate commerce, in that the rates so charged, collected and received to and from the territory hereinbefore indicated are unjust, unreasonable and extortionate, and are a discrimination in favor of Evansville, Ind., as against said cities of Owensboro and Henderson, Ky., and contiguous territory, and that said rates are in themselves unjust and unreasonable, and also unjustly discriminating against said cities of Owensboro and Henderson, Ky., and give to Evansville, Ind., and territory contiguous thereto an undue and unreasonable preference and advantage; and that the rates so charged to and from Evansville, Ind., are less in the aggregate than the rates charged to and from Owensboro and Henderson, Ky., the shorter distance over the same line or lines and in the same direction, the shorter being included within the longer distance, and for the transportation of commodities of like kind under substantially similar circumstances and conditions.

Wherefore, complainants pray that said defendants be required to answer herein and that a full investigation be made by this honorable Commission; that each of the defendants herein be required to cease and desist from said violations of the act to regulate commerce; and that all necessary orders be made and entered and proceedings had to the end that said illegal acts upon the part of defendants and their connecting carriers may be prohibited; and complainants further pray for all other necessary and proper relief in the premises.

THE RAILROAD COMMISSION OF KENTUCKY,

By C. C. McCHORD, *Chairman,*
A. T. SILER,
McD. FERGUSON,
Commissioners

Dated at Frankfort, Ky., September 23, 1905.

ATTEST: M. R. GLENN, *Secretary.*

COMPLAINT BEFORE THE INTERSTATE COMMERCE COMMISSION.

The Railroad Commission of Kentucky, a public corporation created by the Constitution of said State and with the powers conferred upon it by statute, consisting of T. A. Siler, McD. Ferguson and C. C. McChord, Complainant vs. The Illinois Central Railroad Company and the Nashville, Chattanooga & St. Louis Railway Company, Defendants. The Railroad Commission of Kentucky, by its Commissioners, A. T. Siler, McD. Ferguson and C. C. McChord, respectfully show:

I. That the complainant, the Railroad Commission of Kentucky, is a public corporation created under and by the Constitution of the State of Kentucky and with certain defined rights, powers and duties under said Constitution and statutes of the Commonwealth of Kentucky, and that as such Commission it is made its duty to see that the laws relating to all railroads, except street railroads, are faithfully executed, and to exercise general supervision over the railroads of the State and that whenever it shall come to the knowledge of said Commission or when it shall have reason to believe the laws affecting railroad corporations in their business relations to the public have been violated, said Commission shall prosecute or cause to be prosecuted the corporations or persons guilty of such violations, and when such corporations violate or are about to violate the provisions of the Interstate Commerce Act, and when the rates charged by any such corporation for the transportation of interstate commerce are, in the opinion of said Commission, extortionate, discriminating or preferential, it is made the duty of said Commission to present the facts to the Interstate Commerce Commission and to appeal to it for relief, and this petition of complainant is filed herein in pursuance to the requirements of the laws of the Commonwealth of Kentucky and under the powers given by the Constitution of Kentucky and the statutes in pursuance thereof

II. Your complainant further represents that the Illinois Central Railroad Company and the Nashville, Chattanooga & St. Louis Railway Company are engaged in the transportation of grain and other commodities from Henderson, Morganfield

and Uniontown, in the State of Kentucky, and from other Ohio river points to Atlanta, Georgia. Said two corporations interchange traffic each with the other, and have physical connections at Paducah, Ky. The line of the Illinois Central Railroad Company extends through Louisville, Owensboro, Henderson, Morganfield and Uniontown, Ky., Cairo, Ill., thence through to Paducah, Ky., where it intersects with the line of said Nashville, Chattanooga & St. Louis Railway Company, which latter company has a continuous line, either owned or leased, from Paducah, Ky., to Atlanta, Ga.

III. Your complainant further states that for a number of years prior to December, 1904, said Illinois Central Railroad Company and said Nashville, Chattanooga & St. Louis Railroad Company and, in fact, all other railroads north of Cairo, Ill., crossing the Ohio river into and through the State of Kentucky with their connecting lines to Atlanta, Ga., voluntarily charged a rate of 24 cents per hundred for the transportation of wheat and corn from Cincinnati, O., Covington, Newport, Louisville, Owensboro, Henderson, Morganfield and Uniontown, Ky., which rate remained in effect for about five years until December, 1904, when said Illinois Central Railroad Company and said Nashville, Chattanooga & St. Louis Railway Company increased said rate from Morganfield, Ky., to 28 cents per hundred, thereafter on or about the 1st day of January, 1905, said 28-cent rate was decreased to 26 cents per hundred pounds; that on or about the 1st day of January, 1905, said grain rate of 24 cents was by each and all of said railroad corporations decreased from 24 cents to 22 cents per hundred pounds for the transportation of wheat and corn from said Ohio river points except Morganfield, Ky., to Atlanta, Ga., said new rate being established at 22 cents per one hundred. Your complainant further states that under the former adjustment of rates said Ohio river points, including Morganfield and Uniontown, Ky., a number of grain elevators or warehouses were erected at both Uniontown and Morganfield and a large amount of capital invested therein; that the growers of said grain and the owners of said warehouses or elevators as well as mills and others engaged in handling grain at the said two points and at other points in Uniontown, Ky., in which county said towns of Morganfield and Uniontown are situated, had for five years prior thereto adjusted themselves to the uniform rate

charged by said railroads from said Ohio river points to Atlanta, Ga., including Morganfield and Uniontown, Ky., and as long as the rate remained the same at said two last-named points as from the others of said Ohio river points said growers and dealers were enabled to enter the Atlanta market with their grain and there compete with their competitors from other Ohio river points, but under the present adjustment of said rates and the excessive differential charged for the transportation of grain from Morganfield and Uniontown, Ky., and especially the rate from Morganfield, a great and irreparable injury and wrong is being done said dealers and growers.

IV. Your complainant further states that Morganfield is the county seat of Union county, Ky., that Uniontown is also situated in said county, the corporate limits of said two towns being not over four miles distant; that large quantities of wheat and corn are produced and transported annually from said two towns and county and sold in Atlanta, Ga., which in fact is the only market for said product from said county; that Uniontown and Morganfield are both upon the Illinois Central Railroad, Morganfield being about four miles nearer Atlanta, Ga., than Uniontown; that grain transported from Uniontown to Atlanta, Ga., passes through Morganfield; that on account of said increase of rates from Morganfield to Atlanta, the dealers and producers of grain, and especially the grain now stored in warehouses at Morganfield, Ky., be disposed of in said market except at a loss, and in fact a number of said dealers who have been first to dispose of their grain under said new rate have done so at a very heavy loss.

V. Your complainant further states that said defendants and especially said Illinois Central Railroad Company, are, and have been, guilty of wrongfully and illegally discriminating in its rates as against individuals and corporations in the transportation of grain from Uniontown, Ky., to Atlanta, Ga., in that defendants charge a rate of either 26 or 24 cents per hundred to certain shippers and a less rate to other shippers residing in Uniontown and consigning grain from and to said points for a like and contemporaneous service. Your complainant further states that the rate of 26 cents per hundred now charged by said two railroad corporations for the transportation of grain from Morganfield, Ky., to Atlanta, Ga., is in and of itself

extortionate, unjust and unreasonable and relatively so as compared with rates so charged for the transportation of grain from other Ohio river points in Kentucky to Atlanta, Ga., and subjects the shippers of grain at Morganfield, Uniontown and other points in Union county, Ky., to unjust discrimination and into an unreasonable prejudice and disadvantage and gives to said other points receiving a lesser rate unjust, unreasonable and undue preference and advantage over the shippers of Union county, and besides being illegal in and of itself this practice of defendants results in arbitrary and unwarrantable preference and advantage to said points other than Morganfield and Uniontown, Ky., and other shipping points in Union county, Ky., and the rate so charged from Morganfield, Ky., to Atlanta, Ga., is a greater charge on a like kind of traffic for the shorter distance than for the longer distance over the same line in the same direction of connecting roads, the shorter being included within the longer distance. All of said acts upon the part of defendants are a violation of the provisions of the first and second, third, fourth and sixth sections of the act to regulate commerce, approved February 4, 1887, and amendments thereto.

Frankfort, Ky., April 3, 1905.

THE RAILROAD COMMISSION OF KENTUCKY.

By C. C. McCHORD, *Chairman,*
McD. FERGUSON,
A. T. SILER,
Commissioners.

The affiant, C. C. McChord, says he is a member of, and chairman of, the Railroad Commission of Kentucky; that he believes the statements of the foregoing petition and complaint are true.

C. C. McCHORD.

Subscribed and sworn to before me by C. C. McChord, chairman of the Railroad Commission of Kentucky, this 3d day of April, 1905.

LYDIA L. McELROY,
N. P. W. C.

Appendix "D"

TABLE OF

COMPARATIVE RATES

ON

LOCAL MILEAGE SCALE BASIS.

COMPILED BY

KENTUCKY RAILROAD COMMISSION, 1905

TABLE OF COMPARATIVE RATES

Local Mileage Scale	Name of Road	In Cents Per Hundred Pounds										
		1	2	3	4	5	6	A	B	C	D	E
5 Miles and Under	L., H. & St. L.—Note X	10	9	7	6	5	4					
	L. & N.— " A	12	10	9	8	7	6	6	6	5	5	6
	I. C.— " B	25	21	17	15	13	11	9	11	10	10	14
	I. C. (in Miss.)— " C	20	16	13	11	9	8	10	11	11	5	9
	Ga. R. R. Com.— " D	12	11	10	8	7	6	6	6	4.5	3.5	7
	Fla. R. R. Com.— " E	24	21	20	15	14	13	10	9	8	6	14
	C., N. O. & T. P.— " F	10	9	8	7	7	6	6	6	5	5	6
	Sou. (in Ky.)— " G	10	9	8	7	6	5	5	6	5	5	6
	C. & O.— " H	12	10	8	6	5	3					
	Ill R. R. Com.— " I	11.28	9.40	8.15	6.58	5.26	3.68	3.32	2.94	2.58	2.36	
	Mo. R. R. Com.— " J	15	13	10	9	7		8	7	5	4	3
	Iowa R. R. Com.— " K	14	11.9	9.34	7	4.9		5	4.9	4.2	3.5	2.8
	Cent. Frt. Assn.— " L	7.5	7.5	7	6	4	3					
10 Miles and Over 5	L., H. & St. L.	12	10	9	7	6	5					
	L. & N.	12	10	9	8	7	6	6	6	5	5	6
	I. C.	25	21	17	15	13	11	9	11	10	10	14
	I. C. (in Miss.)	25	20	16	13	11	9	10	13	12	5	11
	Ga. R. R. Com.	16	14	13	10	9	8	8	8	5.5	5	9
	Fla. R. R. Com.	24	21	20	15	14	13	10	9	8	6	14
	C., N. O. & T. P.	10	9	8	7	7	6	6	6	5	5	6
	Sou. (in Ky.)	10	9	8	7	6	5	5	6	5	5	6
	C. & O.	16	12	10	8	6	4					
	Ill. R. R. Com.	15.04	13.16	11.28	8.46	6.76	5.64	5.17	4.23	3.76	3.46	
	Mo. R. R. Com.	18	15	13	11	9		10	8	6.5	5	3.5
	Iowa R. R. Com.	14.8	12 58	10.1	7.4	5.18		5.3	5.18	4.44	3.7	2.96
	Cent. Frt. Assn.	7.5	7.5	7	6	4.5	3					

ON LOCAL MILEAGE SCALE BASIS.

	Per bbl.	In Cents Per Hundred Pounds											In Dollars, Per Car—20,000 Min.					In Cents Per Hundred Lbs.			
H	F	Special Iron	Stoves and Stove Hollowware		Salt		Cement	Lime and Plaster	Fertilizers	Agricultural Implements	Lumber	Barrel and Box Material	Horses and Mules	Cattle	Sheep		Hogs	Sash, Doors and Blinds		Drainage Tile and Sewer Pipe	Brick
															SD	DD	SD				
		CL	CL	LCL	CL	LCL	CL	C	CL	CI	CL	CL	CL	CL	CL	CL	CL	CL	LCL	CL	CL
6	10	6	7	9	4	6	4	3	3	5	3	3	5.00	5.00	5.00	6.00	6.00	5	9	3	3
15	20	11	13	17	5	11	5	4.5	4.5	11	4	4	14.00	14.00	12.00	24.00	14.00	11	15	4.5	2
13	18	8	9	13	5	7.5	3	3	3	8	3	3	10.00	8.00	8.00	8.00	8.00	6.4	11	3	2
8	9	4	7	10	2.75	4.5	1.75	1.75	2.48	6	1 7	2	5.00	5.00	5.00		5.00	6	8	1.6	1
15	12	8 67	14	20	4.2	8.67	3.75	3.75	5	13	2.1	2.1	8.00	8.00	8.00		8.00	13	15	5	1.67
6	10	4	7	8	4	6	3	3	3	6	4	4	10.00	10.00	9.00	12.00	10.00	6	8	3	3
7	10	5	6	8	4	5	4	3	3	5	3	3	7.00	7.00	10.00	10.00	10.00	5	8	3	3
		3.5	5	8	1.75	1.75	2.5	2.5	1.75	5	2.5	2.5	12.00	8.00	8.00	8.00	8.00	5	12	2.5	5-6
6	10	6	7	9	4	6	4	3	3	5	3	3	5.00	5.00	5.00	6.00	6.00	5	9	3	3
15	20	11	13	17	5	11	5	4.5	4.5	11	4	4	14.00	14.00	12.00	24.00	14.00	11	15	4.5	2
16	18	9	11	16	5	7.5	3	3	3.5	12	3	3.25	15.00	10.00	10.00	11 00	10.00	9.6	13	3.75	2.5
10	11.5	5.33	9	13	4	5.5	2.5	2.5	3.6	8	2.1	2.5	6.50	6.50	6.50		6.50	8	10	2	1.25
15	12	8.67	14	20	4.2	8.67	3.75	3.75	5	13	2.1	2.1	8.00	8.00	8.00		8.00	13	15	5	1.67
6	10	4	7	8	4	6	3	3	3	6	4	4	10.00	10 00	9.00	12.00	10.00	6	8	3	3
7	10	5	6	8	4	5	4	3	3	5	3	3	7.00	7.00	10.00	10.00	10.00	5	8	3	3
		4 5	6	10	1.75	1.75	2.5	2.5	1.75	6	3	3	14.00	10.00	10.00	10.00	10.00	6	16	2.5	1 33

Local Mileage Scale	Name of Road	In Cents Per Hundred Pounds										
		1	2	3	4	5	6	A	B	C	D	E
15 Miles and Over 10	L., H. & St. L.	15	12	11	9	8	6					
	L. & N.	15	13	12	11	10	9	9	9	6	6	9
	I. C.	31	26	21	19	17	14	12	14	13	12	17
	I. C. (in Miss.)	30	24	20	16	14	12	11	14	14	6	14
	Ga. R. R. Com.	18	16	15	12	11	9	9	9	6	5.5	11
	Fla. R. R. Com.	28	26	24	19	17	15	12	11	11	8	17
	C., N. O. & T. P.	14	12	11	9	8	7	7	9	7	7	8
	Sou. (in Ky.)	15	13	12	10	9	8	8	9	6	6	9
	C. & O.	20	16	12	9	6	4					
	Ill. R. R. Com.	16.92	15.04	13.16	9.40	7.52	6.58	6.11	4.70	4	3.59	
	Mo. R. R. Com.	20	17	14	12	10		11	9	7	5.5	4
	Iowa R. R. Com.	15.6	13.26	10.4	7.8	5.46		5.6	5.46	4.68	3.9	3.12
	Cent. Frt. Assn.	7.5	7.5	7.5	7	5	3.5					
20 Miles and Over 15	L., H. & St. L.	17	14	12	10	9	6.5					
	L. & N.	20	17	15	13	12	11	11	11	7	7	11
	I. C.	31	26	21	19	17	14	12	14	13	12	17
	I. C. (in Miss.)	32	26	22	18	16	14	12	15	16	7	16
	Ga. R. R. Com.	20	18	16	14	12	10	10	10	7	6	12
	Fla. R. R. Com.	28	26	24	19	17	15	12	11	11	8	17
	C., N. O. & T. P.	14	12	11	9	8	7	7	9	7	7	8
	Sou. (in Ky.)	18	16	14	12	11	9	9	11	7	7	11
	C. & O.	20	16	12	9	6	4					
	Ill. R. R. Com.	18.80	16.92	14.10	10.34	8.27	7.05	6.58	5.17	4.23	3.81	
	Mo. R. R. Com.	22	19	15	13	11		12	10	7.5	6	4.5
	Iowa R. R. Com.	16.4	13.94	10.94	8.2	5.74		5.8	5.74	4.92	4.1	3.25
	Cent. Frt. Assn.	7.5	7.5	7.5	7	5	4					

	Per bbl.	In Cents Per Hundred Pounds											In Dollars Per Car—20,000 Min.					In Cents Per Hundred Lbs.			
H	F	Special Iron	Stoves and Stove Hollowware		Salt		Cement	Lime and Plaster	Fertilizers	Agricultural Implements	Lumber	Barrel and Box Material	Horses and Mules	Cattle	Sheep		Hogs	Sash, Doors and Blinds		Drainage Tile and Sewer Pipe	Brick
															SD	DD	SD				
		CL	CL	LCL	CL	LCL	CL	CL	CL	CL	CL	CL	CL	CL	CL	CL	CL	CL	LCL	CL	CL
9	12	9	10	12	5	9	5	4	4	6	4	4	6.00	6.00	6.00	7.00	7.00	6	12	4	4
20	26	14	17	21	5	14	5	5	5	14	5	5	15.00	15.00	13.00	24.00	15.00	14	19	5	2.5
20	20	12	14	20	5.25	7.9	3.25	3.25	3.75	12	3	3.25	15.00	10.00	10.00	11.00	10.00	9.6	16	3.75	2.5
12	12.5	6	11	15	4.5	6	2.75	2.75	3.83	9	2.5	2.5	7.50	7.50	7.50		7.50	9	12	2.4	1.5
19	15	10	17	24	5	10	4.5	4.5	5.5	15	2.9	2.9	11.00	11.00	11.00		11.00	15	19	6	2.33
9	14	4.67	8	11	5	7	4	4	4	7	5	5	12.00	12.00	10.00	14.00	12.00	7	11	4	4
9	12	8	9	12	4	8	4	4	4	6	4	4	8.00	8.00	11.00	11.00	11.00	6	12	4	4
		4.5	6	12	2.75	2.75	3.5	3.5	2.75	6	3.5	3.5	16.00	12.00	14.00	14.00	12.00	6	20	3.5	1.5
11	14	11	12	15	6	11	6	5	5	7	5	5	7.00	7.00	7.00	8.00	8.00	7	15	5	5
20	26	14	17	21	5	14	5	5	5	14	5	5	15.00	15.00	13.00	24.00	15.00	14	19	5	2.5
22	22	14	16	22	5. 5	8.25	3.5	3.5	3.75	14	3.5	3.5	15.00	12.00	12.00	13.20	12.00	11.2	18	3.75	2.5
14	14	6.66	12	16	5	7	3	3	4	10	2.9	2.9	8.00	8.00	8.00		8.00	10	14	2.8	1.7
19	15	10	17	24	5	10	4.5	4.5	5.5	15	2.9	2.9	11.00	11.00	11.00		11.00	15	19	6	2.33
9	14	4.67	8	11	5	7	4	4	4	7	5	5	12.00	12.00	10.00	14.00	12.00	7	11	4	4
11	14	9	11	14	5	9	5	5	5	7	5	5	9.00	9.00	12.00	12.00	12.00	7	14	5	5
		4.5	6	12	3.50	3.50	4	4	3.50	6	4	4	18.00	14.00	15.00	15.00	14.00	6	20	4	1.5

Local Mileage Scale	Name of Road	In Cents Per Hundred Pounds										
		1	2	3	4	5	6	A	B	C	D	E
25 Miles and Over 20	L., H. & St. L.	20	16	14	11	10	7					
	L. & N.	23	20	17	15	14	13	13	13	9	8	13
	I. C.	37	31	25	22	19	16	15	16	15	14	19
	I. C. (in Miss.)	36	29	24	20	18	16	13	15	17	8	18
	Ga. R. R. Com.	22	20	18	16	13	11	11	11	7.5	6.5	13
	Fla. R. R. Com.	32	30	28	23	20	18	13	12	12	9	20
	C., N. O. & T. P.	21	19	16	14	11	10	10	13	10	8	11
	Sou. (in Ky.)	20	17	15	13	12	10	10	11	7	7	11
	C. & O.	22	18	14	10	7	5					
	Ill. R. R. Com.	20.68	18.80	16.04	11.28	9.02	7.52	7.05	5.64	4.46	4.02	
	Mo. R. R. Com.	24	20	17	14	12		13	11	8.5	6.5	5
	Iowa R. R. Com.	17	14.45	11.34	8.5	5.95		6	5.95	5.1	4.25	3.4
	Cent. Frt. Assn.	7.5	7.5	7.5	7	5.5	4.5					
30 Miles and Over 25	L., H. & St. L.	22	19	16	13	11	8					
	L. & N.	26	23	20	17	16	15	15	15	10	8	15
	I. C.	37	31	25	22	19	16	15	16	15	14	19
	I. C. (in Miss.)	39	31	26	21	19	17	13	16	18	8	19
	Ga. R. R. Com.	24	21	19	17	14	11	11	11	7.5	6.5	14
	Fla. R. R. Com.	32	30	28	23	20	18	13	12	12	9	20
	C., N. O. & T. P.	21	19	16	14	11	10	10	13	10	8	11
	Sou. (in Ky.)	20	17	15	13	12	10	10	11	7	7	11
	C. & O.	22	18	14	10	7	5					
	Ill. R. R. Com.	22.56	19.74	15.98	11.98	9.58	7.99	7.52	6.02	4.70	4.23	
	Mo. R. R. Com.	25	21	17	15	12		14	11	8.5	6.5	5
	Iowa R. R. Com.	17.6	14.96	11.73	8.8	6.16		6.2	6.16	5.28	4.4	3.52
	Cent. Frt. Assn.	7.5	7.5	7.5	7	6	5					

H	F	Per bbl.	In Cents Per Hundred Pounds											In Dollars Per Car—20,000 Min.					In Cents Per Hundred Lbs.			
			Special Iron	Stoves and Stove Hollowware		Salt		Cement	Lime and Plaster	Fertilizers	Agricultural Implements	Lumber	Barrel and Box Material	Horses and Mules	Cattle	Sheep		Hogs	Sash, Doors and Blinds		Drainage Tile and Sewer Pipe	Brick
																SD	DD	SD				
			CL	CL	LCL	CL	LCL	CL	CL	CL	CL	CL	CL	CL	CL	CL	CL	CL	CL	LCL	CL	CL
13	18		13	14	17	7	13	7	5	5	9	5	5	8.00	8.00	8.00	10.00	10.00	9	17	5	5
22	30		16	19	25	7	16	7	6	6	16	6	6	16.00	16.00	14.00	24.00	16.00	16	22	6	3
24	23		16	18	24	5.5	8.25	3.75	3.75	3.75	16	3.5	3.75	18.00	13.00	13.00	14.00	13.00	12.8	20	3.75	3
16	15		7.33	13	18	5.5	7.5	3.25	3.25	4.3	11	3.33	3.33	9.00	9.00	9.00		9.00	11	16	3.2	2
23	18		12	20	28	5.8	12	5.2	5.2	6	18	3.33	3.33	14.00	14.00	14.00		14.00	18	23	6.5	2.67
12	16		6.67	11	16	6	10	4	4	5	10	6	6	15.00	15.00	12.00	16.80	15.00	10	16	4	4
11	14		9	12	15	5	10	5	5	5	7	5	5	10.00	10.00	14.00	14.00	13.00	7	15	5	5
			5.5	7	14	3.75	3.75	4.25	4.25	3.75	7	4.5	4.5	19.00	15.00	17.00	17.00	15.00	7	22	4.25	1.67
15	20		15	16	20	7	15	7	6	6	10	6	6	10.00	10.00	10.00	12.00	12.00	10	20	6	6
22	30		16	19	25	7	16	7	6	6	16	7	7	16.00	16.00	14.00	28.00	16.00	16	25	6	3
26	24		17	19	26	5.75	8.6	4	4	3.75	17	4	4	18.00	14.00	14.00	15.00	14.00	13.6	21	3.75	3
17	15		7.33	14	19	5.5	7.5	3.5	3.5	4.5	11	3.33	3.33	10.00	10.00	10.00		10.00	11	17	3.2	2
23	18		12	20	28	5.8	12	5.2	5.2	6	18	3.33	3.33	14.00	14.00	14.00		14.00	18	23	6.5	2.67
12	16		6.67	11	16	6	10	4	4	5	10	6	6	15.00	15.00	12.00	16.80	15.00	10	16	4	4
11	14		9	12	15	5	10	5	5	5	7	5	5	10.00	10.00	14.00	14.00	13.00	7	15	5	5
			5.5	7	14	4 50	4.60	4.5	4.5	4.50	7	5	5	19.00	15.00	17.00	17.00	15.00	7	22	4.5	1.67

Local Mileage Scale	Name of Road	In Cents Per Hundred Pounds										
		1	2	3	4	5	6	A	B	C	D	E
35 Miles and Over 30	L., H. & St. L.	22	19	16	13	11	8					
	L. & N.	29	25	22	19	18	17	17	17	11	9	17
	I. C.	41	34	28	25	22	19	18	20	17	16	21
	I. C. (in Miss.)	42	34	28	23	20	18	14	17	19	9	20
	Ga. R. R. Com.	26	23	21	19	15	12	12	12	8	7.5	15
	Fla. R. R. Com.	36	34	32	27	23	19	14	13	13	10	23
	C., N. O. & T. P.	24	22	20	15	12	10	10	13	10	9	12
	Sou. (in Ky.)	23	20	17	15	14	13	13	13	9	9	13
	C. & O.	24	20	16	12	8	6					
	Ill. R. R. Com.	24.44	20.68	16.92	12.69	10.15	8.46	7.69	6.30	4.89	4.40	
	Mo. R. R. Com.	27	23	19	16	13		15	12	9.5	7.5	5.5
	Iowa R. R. Com.	18.2	15.47	12.1	9.1	6.37		6.4	6.37	5.46	4.55	3.64
	Cent. Frt. Assn.	8.5	8.5	8	7.5	6.5	5.5					
40 Miles and Over 35	L., H. & St. L.	23	20	18	14	12	8					
	L. & N.	32	27	24	21	20	19	19	19	12	9	19
	I. C.	41	34	28	15	22	19	18	20	17	16	21
	I. C. (in Miss.)	45	36	30	25	21	19	14	17	20	9	21
	Ga. R. R. Com.	27	24	22	20	16	12	12	12	8	7.5	16
	Fla. R. R. Com.	36	34	32	27	23	19	14	13	13	10	23
	C., N. O. & T. P.	24	22	20	15	12	10	10	13	10	9	12
	Sou. (in Ky.)	23	20	17	15	14	13	13	13	9	9	13
	C. & O.	24	20	16	12	8	6					
	Ill. R. R. Com.	26.32	21.62	17.86	13.16	10.52	8.93	8.46	6.58	5.08	4.57	
	Mo. R. R. Com.	28	24	20	17	14		15	13	10	7.5	5.5
	Iowa R. R. Com.	18.8	15.98	12.5	9.4	6.58		6.6	6.58	5.64	4.7	3.76
	Cent. Frt. Assn.	9.5	9.5	9	8	7	6					

	Per bbl.	In Cents Per Hundred Pounds											In Dollars, Per Car—20,000 Min.						In Cents Per Hundred Lbs.			
H	F	Special Iron	Stoves and Stove Hollowware		Salt		Cement	Lime and Plaster	Fertilizers	Agricultural Implements	Lumber	Barrel and Box Material	Horses and Mules	Cattle	Sheep		Hogs		Sash, Doors and Blinds		Drainage Tile and Sewer Pipe	Brick
															SD	DD	SD					
		CL	CL	LCL	CL	LCL	CL	CL	CL	CL	CL	CL	CL	CL	CL	CL	CL		CL	LCL	CL	CL
17	22	17	18	22	8	17	8	6	6	11	6	6	12.00	12.00	12.00	14.00	14.00		11	22	6	6
25	34	19	22	28	8	19	8	6	6	16	7	7	18.00	18.00	16.00	32.00	18.00		16	25	6	3
28	25	18	20	28	6	9	4.5	4.5	3.75	18	4.5	4.5	21.00	15.00	15.00	16.50	15.00		14.4	23	3.75	3
19	16.5	8	15	21	6	8	3.75	3.75	4.7	12	3.75	3.75	12.00	12.00	12.00		12.00		12	19	3.6	2.25
27	19	12.67	23	32	6.25	12.67	6	6	6.5	19	3.75	3.75	16.00	16.00	16.00		16.00		19	27	7	3
15	18	6.67	12	20	6	10	5	5	5	10	6	6	16.00	16.00	15.00	21.00	17.00		10	20	5	5
13	18	9	14	17	5	13	5	5	5	9	5	5	12.00	12.00	16.00	16.00	16.00		9	17	5	5
		6.5	8	16	5	6	4.75	4.75	5	8	5.5	5.5	21.00	17.00	20.00	20.00	17.00		8	24	4.75	2
19	24	19	20	24	8	19	8	6	6	12	6	6	14.00	14.00	14.00	17.00	17.00		12	24	6	6
25	34	19	22	28	8	19	8	6	6	16	7	7	18.00	18.00	16.00	32.00	18.00		16	25	6	3
30	26	19	21	30	6	9	4.5	4.5	3.75	19	4.5	4.5	21.00	16.00	16.00	17.00	16.00		15.2	25	3.75	3
20	16.5	8	16	22	6	8	4	4	4.9	12	3.75	3.75	13.00	13.00	13.00		13.00		12	20	3.6	2.25
27	19	12.67	23	32	6.25	12.67	6	6	6.5	19	3.75	3.75	16.00	16.00	16.00		16.00		19	27	7	3
15	18	6.67	12	20	6	10	5	5	5	10	6	6	16.00	16.00	15.00	21.00	17.00		10	20	5	5
13	18	13	14	17	5	13	5	5	5	9	5	5	12.00	12.00	16.00	16.00	16.00		9	17	5	5
		6.5	8	16	5.5	6.5	5	5	5.5	8	5.5	5.5	21.00	17.00	20.00	20.00	17.00		8	24	5	2

Local Mileage Scale	Name of Road	In Cents Per Hundred Pounds										
		1	2	3	4	5	6	A	B	C	D	E
45 Miles and Over 40	L., H. & St. L.	23	20	18	14	12	8.5					
	L. & N.	35	30	27	23	22	21	21	21	13	10	21
	I. C.	45	38	31	28	25	22	24	24	20	18	24
	I. C. (in Miss.)	48	38	31	26	22	20	15	18	21	9	22
	Ga. R. R. Com.	29	26	24	21	17	13	13	13	8.5	8	17
	Fla. R. R. Com.	40	38	35	30	25	20	15	14	14	11	25
	C., N. O. & T. P.	25	24	21	15	13	10	10	13	10	10	13
	Sou. (in Ky.)	26	23	20	17	16	15	15	15	12	10	15
	C. & O.	28	22	18	13	10	6					
	Ill. R. R. Com.	28.20	22.56	18 80	13.63	10.90	9.40	8.93	6.77	5.26	4.74	
	Mo. R. R. Com.	29	25	20	17	14		16	13	10	8	6
	Iowa R. R. Com.	19.4	16.49	13	9.7	6.79		6.8	6.79	5.82	4.85	
	Cent. Frt. Assn.	10.5	10.5	10	8	7.5	6					
50 Miles and Over 45	L., H. & St. L.	24	21	19	15	13	8.5					
	L. & N.	37	32	28	25	24	22	22	22	14	10	22
	I. C.	45	38	31	28	25	22	24	24	20	18	24
	I. C. (in Miss.).	50	40	33	27	23	21	15	19	22	9	23
	Ga. R. R. Com.	30	27	25	20	18	13	13	13	8.5	8	18
	Fla. R. R. Com.	40	38	35	30	25	20	15	14	14	11	25
	C., N. O. & T. P.	25	24	21	15	13	10	10	13	10	10	15
	Sou. (in Ky.)	26	23	20	17	16	15	15	15	12	10	15
	C. & O.	28	22	18	13	10	6					
	Ill. R. R. Com.	29.14	23.50	19.74	14.10	11.28	9.64	9.40	6.96	5.45	4.91	
	Mo. R. R. Com.	30	25	21	18	15		16	13	10.5	8	6
	Iowa R. R. Com.	20	17	13.34	10	7		7.05	7	6	5	4
	Cent. Frt. Assn.	12	11.5	10.5	8.5	7.5	6.5					

	Per bbl.	In Cents Per Hundred Pounds											In Dollars Per Car—20,000 Min.					In Cents Per Hundred Lbs.			
H	F	Special Iron	Stoves and Stove Hollowware		Salt		Cement	Lime and Plaster	Fertilizers	Agricultural Implements	Lumber	Barrel and Box Material	Horses and Mules	Cattle	Sheep		Hogs	Sash, Doors and Blinds		Drainage Tile and Sewer Pipe	Brick
															SD	DD	SD				
		CL	CL	LCL	CL	LCL	CL	CL	CL	CL	CL	CL	CL	CL	CL	CL	CL	CL	LCL	CL	CL
21	26	21	22	27	8	21	8	7	7	13	7	7	15.00	15.00	15.00	18.00	18.00	13	27	7	7
29	40	22	25	31	9	22	9	7	7	17	7.5	7.5	20.00	20.00	18.00	36.00	20.00	17	28	7	3
31	27	20	22	32	6.5	9.75	4.75	4.75	3.75	20	4.75	4.75	22.00	17.00	17.00	18.70	17.00	16	26	3.75	3
21	17.5	8.67	17	24	6.5	8.5	4.25	4.25	5.1	13	4.2	4.2	14.00	14.00	14.00		14.00	13	21	4	2.5
30	20	13.33	25	35	6.67	13.33	6.5	6.5	7	20	4.2	4.2	17.00	17.00	17.00		17.00	20	30	7.5	3.33
15	20	6.67	13	21	6	10	5	5	6	10	7	7	17.00	17.00	16.00	22.40	18.00	10	21	5	5
15	20	15	16	20	7	15	7	6	6	12	6	6	15.00	15.00	17.00	17.00	19.00	12	20	6	6
		6.5	10	18	6	7.25	5.25	5.25	6	10	6	6	21.00	17.00	20.00	20.00	17.00	10	28	5.25	2.33
22	28	22	24	28	9	22	9	7	7	14	7	7	16.00	16.00	16.00	19.00	19.00	14	28	7	7
29	40	22	25	31	9	22	9	7	7	17	7.5	7.5	20.00	20.00	18.00	36.00	20.00	17	28	7	3
33	28	21	23	33	6.75	10.1	5	5	3.75	21	5	5	22.00	17.00	17.00	18.70	17.00	16.8	27	3.75	3
22	17.5	8 67	18	25	6.5	8.5	4.5	4.5	5.4	13	4.2	4.2	14.00	14.00	14.00		14.00	13	22	4	2.5
30	20	13.33	25	35	6.67	13.33	6.5	6.5	7	20	4.2	4.2	17.00	17.00	17.00		17.00	20	30	7.5	3.33
15	20	6.67	13	21	6	10	5	5	6	10	7	7	17.00	17.00	16.00	22.40	18.00	10	21	5	5
15	20	15	16	20	7	15	7	6	6	12	6	6	15.00	15.00	17.00	17.00	19.00	12	20	6	6
		6.5	10	18	6	7.25	5.5	5.5	6	10	6	6	21.00	17.00	20.00	20.00	17.00	10	28	5.5	2.33

Local Mileage Scale	Name of Road	In Cents Per Hundred Pounds										
		1	2	3	4	5	6	A	B	C	D	E
55 Miles and Over 50	L., H. & St. L.	25	23	20	16	13	10					
	L. & N.	39	34	30	26	25	23	23	23	15	11	23
	I. C.	49	41	35	31	27	24	26	26	21	19	25
	I. C. (in Miss.)	52	42	34	28	24	22	16	20	23	10	24
	Ga. R. R. Com.	32	29	26	23	19	14	14	14	9	8.5	19
	Fla. R. R. Com.	44	42	38	32	29	23	16	15	15	12	19
	C., N. O. & T. P.	26	24	21	15	13	10	10	13	10	10	13
	Sou. (in Ky.)	28	25	22	20	18	15	15	16	13	10	15
	C. & O.	32	26	20	14	11	6.5					
	Ill. R. R. Com.	30.08	24.44	20.68	14.57	11.65	10.32	9.64	7.14	5.64	5.08	
	Mo. R. R. Com.	31	26	22	19	15		17	14	11	8	6
	Iowa R. R. Com.	20.4	17.34	13.6	10.2	7.14	7.2	7.24	7.14	6.12	5	4.8
	Cent. Frt. Assn.	13	12.5	11.5	9	7.5	6.5					
60 Miles and Over 55	L., H. & St. L.	25	24	20	16	13	11					
	L. & N.	41	35	31	28	26	24	24	24	16	11	24
	I. C.	49	41	35	31	27	24	26	26	21	19	25
	I. C. (in Miss.)	52	42	34	28	24	22	16	21	23	10	24
	Ga. R. R. Com.	33	30	27	24	19	14	14	14	9	8.5	19
	Fla. R. R. Com.	44	42	38	32	29	23	16	15	15	12	29
	C., N. O. & T. P.	26	24	21	15	13	10	10	13	10	10	13
	Sou. (in Ky.)	28	25	22	20	18	15	15	16	13	10	15
	C. & O.	32	26	20	14	11	6.5					
	Ill. R. R. Com.	31.02	25.38	21.62	15.04	12.08	10.58	9.87	7.33	5.83	5.24	
	Mo. R. R. Com.	32	27	22	19	16		18	14	11	8.5	6.5
	Iowa R. R. Com.	20.8	17.68	13.87	10.4	7.28		7.4	7.28	6.24	5.2	4.16
	Cent. Frt. Assn.	14.5	13	12	10	7.5	6.5					

H	F	Per bbl.	In Cents Per Hundred Pounds											In Dollars, Per Car—20,000 Min.					In Cents Per Hundred Lbs.			
			Special Iron	Stoves and Stove Hollowware		Salt		Cement	Lime and Plaster	Fertilizers	Agricultural Implements	Lumber	Barrel and Box Material	Horses and Mules	Cattle	Sheep		Hogs	Sash, Doors and Blinds		Drainage Tile and Sewer Pipe	Brick
																SD	DD	SD				
			CL	CL	LCL	CL	LCL	CL	CL	CL	CL	CL	CL	CL	CL	CL	CL	CL	CL	LCL	CL	CL
23	30		23	25	30	10	23	10	7	7	15	7	7	18.00	18.00	18.00	22.00	22.00	15	30	7	7
31	42		24	27	35	10	24	10	8	8	18	7.5	7.5	21.00	21.00	19.00	38.00	21.00	18	31	8	4
34	28		22	28	34	7.25	10.9	5.25	5.25	3.75	22	5.25	5.25	24.00	18.00	18.00	19.80	18.00	17.6	28	3.75	4
23	18		9.33	19	26	7	9	4.75	4.75	5.6	14	4.2	4.2	14.00	14.00	14.00		14.00	14	23	4	2.5
32	22		15.33	29	38	7.1	15.33	7	7	7.5	23	4.6	4.6	18.00	18.00	18.00		18.00	23	32	8	3.67
15	20		6.67	13	21	6	10	5	5	7	10	7	7	19.00	19.00	18.00	25.20	20.00	10	21	5	5
15	20		15	18	22	8	15	8	7	7	12	7	7	18.00	18.00	24.00	24.00	24.00	12	22	7	7
			7	11	20	6.5	7.75	5.75	5.75	6.5	11	6.5	6.5	25.00	21.00	23.00	23.00	21.00	11	32	5.75	2.67
24	32		24	26	31	12	24	12	8	8	16	8	8	20.00	20.00	20.00	24.00	24.00	16	31	8	8
31	42		24	27	35	10	24	10	8	8	18	8	8	21.00	21.00	19.00	38.00	21.00	18	31	8	8
31	29		22	24	34	7.25	10.9	5.5	5.5	3.75	22	5.5	5.5	24.00	19.00	19.00	20.90	19.00	17.6	28	3.75	4
24	18		9.33	19	27	7	9	4.75	4.75	5.8	14	4.6	4.6	14.50	14.50	14.50		14.50	14	24	4.4	2.75
32	22		15.33	29	38	7.1	15.33	7	7	7.5	23	4.6	4.6	18.00	18.00	18.00		18.00	23	32	8	3.67
15	20		6.67	13	21	6	10	5	5	7	10	7	7	19.00	19.00	18.00	25.20	20.00	10	21	5	5
15	20		15	18	22	8	15	8	7	7	12	7	7	18.00	18.00	24.00	24.00	24.00	12	22	7	7
			7	11	20	6.5	7.75	6	6	6.5	11	6.5	6.5	25.00	21.00	23.00	23.00	21.00	11	32	6	2.67

Local Mileage Scale	Name of Road	In Cents Per Hundred Pounds										
		1	2	3	4	5	6	A	B	C	D	E
65 Miles and Over 60	L., H. & St. L.	25	24	20	17	13	11					
	L. & N.	43	37	33	30	27	25	25	25	17	12	25
	I. C.	53	44	36	32	28	26	28	28	22	20	26
	I. C. (in Miss.)	54	43	35	29	25	22	16	22	23	10	25
	Ga. R. R. Com.	35	32	28	25	20	15	15	15	9.5	9	20
	Fla. R. R. Com.	48	46	41	34	30	24	17	17	17	13	30
	C., N. O. & T. P.	26	25	21	15	13	10	10	13	10	10	18
	Sou. (in Ky.)	31	28	25	22	20	17	17	18	15	11	17
	C. & O.	34	28	22	15	12	7					
	Ill. R. R. Com.	31.96	26.32	22.56	15.51	12.40	10.81	10.10	7.52	6.02	5.41	
	Mo. R. R. Com.	33	28	23	20	16		18	15	11.5	9	6.5
	Iowa R. R. Com.	21.2	18.02	14.14	10.6	7.42		7.6	7.42	6.36	5.3	4.25
	Cent. Frt. Assn.	15.5	14	13	10	7.5	7					
70 Miles and Over 65	L., H. & St. L.	25	24	20	17	13	11					
	L. & N.	45	39	34	31	28	26	26	26	17	12	26
	I. C.	53	44	36	32	28	26	28	28	22	20	26
	I. C. (in Miss.)	54	43	35	29	25	22	17	22	23	11	25
	Ga. R. R. Com.	36	33	29	26	20	15	15	15	9.5	9	20
	Fla. R. R. Com.	48	46	41	34	30	24	17	17	17	13	30
	C., N. O. & T. P.	26	25	21	15	13	10	10	13	10	10	13
	Sou. (in Ky.)	31	28	25	22	20	17	17	18	15	11	17
	C. & O.	34	28	22	15	12	7					
	Ill. R. R. Com.	32.90	27.26	23.03	15.98	12.78	11.05	10.34	7.71	6.16	5.55	
	Mo. R. R. Com.	34	29	24	20	17		19	15	12	9	7
	Iowa R. R. Com.	21.6	18.36	14.4	10.8	7.56		7.8	7.56	6.48	5.4	4.32
	Cent. Frt. Assn.	17	15	13.5	10	8	7					

	Per bbl.	In Cents Per Hundred Pounds											In Dollars, Per Car—20,000 Min.					In Cents Per Hundred Lbs.			
H	F	Special Iron	Stoves and Stove Hollowware		Salt		Cement	Lime and Plaster	Fertilizers	Agricultural Implements	Lumber	Barrel and Box Material	Horses and Mules	Cattle	Sheep		Hogs	Sash, Doors and Blinds		Drainage Tile and Sewer Pipe	Brick
															SD	DD	SD				
		CL	CL	LCL	CL	LCL	CL	CL	CL	CL	CL	CL	CL	CL	CL	CL	CL	CL	LCL	CL	CL
25	34	25	27	33	12	25	12	8	8	17	8	8	22.00	22.00	22.00	26.00	26.00	17	33	8	8
32	44	26	28	36	11	26	11	9	9	18	8	8	24.00	24.00	21.00	42.00	24.00	18	32	9	4
35	29	22	25	35	7.5	11.2	5.75	5.75	3.75	22	5.75	5.75	26.00	20.00	20.00	22.00	20.00	17.6	29	3.75	4
25	19	10	20	28	7.5	9.5	5	5	6.1	15	4.6	4.6	15.50	15.50	15.50		15.50	15	25	4.4	2.75
34	23	16	30	41	7.5	12	7.5	7.5	8	24	4.6	4.6	19.00	19.00	19.00		19.00	24	34	8.5	3.67
15	20	6.67	13	21	6	10	5	5	7	10	7.5	7.5	22.00	22.00	20.00	28.00	23.00	10	21	5	5
17	24	16	20	25	10	17	10	9	9	14	9	9	21.00	21.00	30.00	30.00	29.00	14	25	9	9
		7.5	12	22	7	8.5	6	6	7	12	7	7	28.00	24.00	27.00	27.00	24.00	12	34	6	2.83
26	34	25	28	34	13	26	13	8	8	17	8	8	23.00	23.00	23.00	28.00	28.00	17	34	8	8
32	44	26	28	36	11	26	11	9	9	18	8	8	24.00	24.00	21.00	42.00	28.00	18	32	9	4
35	30	22	25	35	7.75	11.6	6	6	3.75	22	6	6	26.00	21.00	21.00	23.00	21.00	17.6	29	3.75	4
26	19	10	20	29	7.5	9.5	5	5	6.3	15	4.6	4.6	16.00	16.00	16.00		16.00	15	26	4.4	2.75
34	23	16	30	41	7.5	12	7.5	7.5	8	24	4.6	4.6	19.00	19.00	19.00		19.00	24	34	8.5	3.67
15	20	6.67	13	21	6	10	5	5	7	10	7.5	7.5	22.00	22.00	20.00	28.00	23.00	10	21	5	5
17	24	16	20	25	10	17	10	9	9	14	9	9	21.00	21.00	30.00	30.00	29.00	14	25	9	9
		7.5	12	22	7	8.5	6.25	6.25	7	12	7	7	28.00	24.00	27.00	27.00	24.00	12	34	6.25	2.83

Local Mileage Scale	Name of Road	In Cents Per Hundred Pounds										
		1	2	3	4	5	6	A	B	C	D	E
75 Miles and Over 70	L., H. & St. L.	25	24	20	17	13	12					
	L. & N.	47	41	36	32	29	27	27	27	18	13	27
	I. C.	55	46	37	33	30	28	28	28	23	21	28
	I. C. (in Miss.)	56	45	37	31	26	23	17	23	24	11	26
	Ga. R. R. Com.	38	35	30	27	21	16	16	16	10	9.5	21
	Fla. R. R. Com.	52	50	43	36	32	25	18	18	18	14	32
	C., N. O. & T. P.	28	25	21	15	13	10	10	13	10	10	13
	Sou. (in Ky.)	34	30	26	23	21	19	19	21	16	12	19
	C. & O.	36	30	23	16	13	8					
	Ill. R. R. Com.	33.84	28.20	23.50	16.45	13.16	11.28	10.58	7.90	6.30	5.67	
	Mo. R. R. Com.	35	30	24	21	17		19	16	12	9.5	7
	Iowa R. R. Com.	22	18.7	14.67	11	7.7		8	7.7	6.6	5.5	4.4
	Cent. Frt. Assn.	18	16	15	10.5	8	7					
80 Miles and Over 75	L., H. & St. L.	25	24	20	17	14	12					
	L. & N.	49	42	37	33	30	28	28	28	18	14	28
	I. C.	55	46	37	33	30	28	28	28	23	21	28
	I. C. (in Miss.)	56	45	37	31	26	23	17	24	24	11	26
	Ga. R. R. Com.	39	36	31	28	21	16	16	16	10	9.5	21
	Fla. R. R. Com.	52	50	43	36	32	25	18	18	18	14	32
	C., N. O. & T. P.	28	25	21	15	13	10	10	13	10	10	13
	Sou. (in Ky.)	34	30	26	23	21	19	19	21	16	12	19
	C. & O.	36	30	23	16	13	8					
	Ill. R. R. Com.	34.78	29.14	23.78	16.92	13.53	11.51	10.72	8.08	6.44	5.80	
	Mo. R. R. Com.	36	31	25	22	18		20	16	12.5	9.5	7
	Iowa R. R. Com.	22.4	19.04	14.94	11.2	7.84		8.2	7.84	6 72	5.6	4.48
	Cent. Frt. Assn.	19.5	18.5	17	11	8.5	7 5					

	Per bbl.	In Cents Per Hundred Pounds											In Dollars, Per Car—20,000 Min.					In Cents Per Hundred Lbs.			
H	F	Special Iron	Stoves and Stove Hollowware		Salt		Cement	Lime and Plaster	Fertilizers	Agricultural Implements	Lumber	Barrel and Box Material	Horses and Mules	Cattle	Sheep		Hogs	Sash, Doors and Blinds		Drainage Tile and Sewer Pipe	Brick
															SD	DD	SD				
		CL	CL	LCL	CL	LCL	CL	CL	CL	CL	CL	CL	CL	CL	CL	CL	CL	CL	LCL	CL	CL
27	36	25	29	36	13	27	13	9	9	18	9	9	24.00	24.00	24.00	29.00	29.00	18	36	9	9
34	46	28	30	37	12	28	12	9	9	20	8.5	8.5	27.00	27.00	24.00	48.00	27.00	20	33	9	4
37	31	23	26	37	7.75	11.5	6	6	4	23	5	6	27.00	22.00	22.00	24.00	22.00	18.4	31	4	4
27	20	10.67	21	30	8	10	5.25	5.25	6.5	16	5	5	16.50	16.50	16.50		16.50	16	27	4.8	3
36	24	16.67	32	43	7.9	16.67	8	8	8.5	18	5	5	20.00	20.00	20.00		20.00	25	36	9	4
15	20	6.67	13	21	8	10	6	6	8	10	7.5	7.5	24.00	24.00	20.00	28.00	25.00	10	21	6	5
20	28	19	21	26	11	19	11	10	10	15	10	10	26.00	26.00	33.00	33.00	33.00	15	26	10	10
		9	13	23	7.25	8.75	6.25	6.25	7.25	13	7.5	7.5	34.00	26.00	29.00	29.00	26.00	13	36	6.25	3
28	36	25	30	37	14	28	14	9	9	19	9	9	25.00	25.00	25.00	30.00	30 00	19	37	9	9
34	46	28	30	37	12	28	12	9	9	20	8.5	8.5	27.00	27.00	24.00	48.00	27.00	20	33	9	4
37	32	23	26	37	8	12	6.5	6.5	4	23	5.5	6.5	27.00	23.00	23.00	25.30	23.00	18.4	31	4	4
28	20	10.67	21	31	8	10	5.5	5.5	6.75	16	5	5	17.00	17.00	17.00		17.00	16	28	4.8	3
36	24	16.67	32	43	7.9	16.67	8	8	8.5	18	5	5	20.00	20.00	20.00		20.00	25	36	9	4
15	20	6.67	13	21	8	10	6	6	8	10	7.5	7.5	24.00	24.00	20.00	28.00	25.00	10	21	6	5
20	28	19	21	26	11	19	11	10	10	15	10	10	26.00	26.00	33.00	33.00	33.00	15	26	10	10
		9	13	23	7.25	8.75	6.25	6.25	7.25	13	7.5	7.5	34.00	26.00	29.00	29.00	26.00	13	36	6.25	3

Local Mileage Scale	Name of Road	In Cents Per Hundred Pounds										
		1	2	3	4	5	6	A	B	C	D	E
85 Miles and Over 80	L., H. & St. L.	25	24	20	17	15	13					
	L. & N.	51	44	39	34	31	29	29	29	19	15	29
	I. C.	58	48	39	35	32	30	30	30	25	22	28
	I. C. (in Miss.)	58	46	38	32	27	24	18	25	25	12	27
	Ga. R. R. Com.	41	37	32	29	22	17	17	17	11	10	22
	Fla. R. R. Com.	56	53	46	38	33	26	19	19	19	14	33
	C., N. O. & T. P.	28	27	23	17	15	12	12	15	10	10	15
	Sou. (in Ky.)	37	33	28	25	23	21	21	23	18	13	21
	C. & O.	38	32	25	18	14	9					
	Ill. R. R. Com.	35.72	29.61	24.06	17.39	13.91	11.75	10.90	8.27	6.58	5.92	
	Mo. R. R. Com.	37	31	26	22	18		20	17	13	10	7.5
	Iowa R. R. Com.	22.8	19.38	15.2	11.4	7.98		8.4	7.98	6.84	5.7	4.56
	Cent. Frt. Assn.	21	19	17	11.5	8.5	7.5					
90 Miles and Over 85	L., H. & St. L.	25	24	20	17	15	13					
	L. & N.	58	45	40	35	32	30	30	30	19	15	30
	I. C.	58	48	39	35	32	30	30	30	25	22	28
	I. C. (in Miss.)	58	46	38	32	27	24	18	27	25	12	27
	Ga. R. R. Com.	42	38	33	29	22	17	17	17	11	10	22
	Fla. R. R. Com.	56	53	46	38	33	26	19	19	19	14	33
	C., N. O. & T. P.	28	27	23	17	15	12	12	15	10	10	15
	Sou. (in Ky.)	37	33	28	25	23	21	21	23	18	13	21
	C. & O.	38	32	25	18	14	9					
	Ill. R. R. Com.	36.66	30.08	24.34	17.86	14.28	11.98	11.09	8.46	6.77	6.09	
	Mo. R. R. Com.	38	32	27	23	19		21	17	13.5	10.5	7.5
	Iowa R. R. Com.	23.2	19.72	15.47	11.6	8.12		8.6	8.12	6.96	5.8	4.64
	Cent. Frt. Assn.	22	20	17	12	9	8					

	Per bbl.	In Cents Per Hundred Pounds											In Dollars Per Car—20,000 Min.					In Cents Per Hundred Lbs.			
H	F	Special Iron	Stoves and Stove Hollowware		Salt		Cement	Lime and Plaster	Fertilizers	Agricultural Implements	Lumber	Barrel and Box Material	Horses and Mules	Cattle	Sheep		Hogs	Sash, Doors and Blinds		Drainage Tile and Sewer Pipe	Brick
															SD	DD	SD				
		CL	CL	LCL	CL	LCL	CL	CL	CL	CL	CL	CL	CL	CL	CL	CL	CL	CL	LCL	CL	CL
29	38	25	31	39	14	29	14	9	9	19	9	9	26.00	26.00	26.00	31.00	31.00	19	39	9	9
35	50	30	32	39	12	30	12	9	9	20	8.5	8.5	30.00	30.00	27.00	54.00	30.00	20	35	9	9
38	33	24	27	38	8.5	12.75	6.75	6.75	4.5	24	5.5	6.75	28.00	24.00	24.00	26.00	24.00	19.2	32	4.5	4
29	21.5	11.33	22	32	8.5	11	5.75	5.75	7	17	5.4	5.4	17.50	17.50	17.50		17.50	17	29	5.2	3.25
38	25	17.33	33	46	8.33	17.33	8.5	8.5	8.75	19	5.4	5.4	22.00	22.00	22.00		22.00	26	38	9.5	4.33
17	20	8	15	23	8	12	7	7	8	12	7.5	7.5	26.00	26.00	20.00	28.00	27.00	12	23	7	5
22	31	22	23	28	12	21	12	11	11	17	11	11	22.00	27.00	33.00	33.00	34.00	17	28	11	11
		10	14	25	7.5	9	6.5	6.5	7.5	14	8	8	34.00	26.00	29.00	29.00	26.00	14	38	6.5	3.16
30	38	25	32	40	15	30	15	10	10	19	10	10	28.00	28.00	28.00	33.00	33.00	19	40	10	10
35	50	30	32	39	12	30	12	9	9	20	8.5	8.5	30.00	30.00	27.00	54.00	30.00	20	35	9	4
38	34	24	27	38	9	13.5	7	7	4.5	24	5.5	7	28.00	24.00	24.00	26.00	24.00	19.2	32	4.5	4
29	21.5	11.33	22	33	8.5	11	5.75	5.75	7.2	17	5.4	5.4	18.00	18.00	18.00		18.00	17	29	5.2	3.25
38	25	17.33	33	46	8.33	17.33	8.5	8.5	8.75	19	5.4	5.4	22.00	22.00	20.00		22.00	26	38	9.5	4.33
17	20	8	15	23	8	12	7	7	8	12	7.5	7.5	26.00	26.00	20.00	28.00	27.00	12	23	7	5
22	31	22	23	28	12	21	12	11	11	17	11	11	22.00	27.00	33.00	33.00	34.00	17	28	11	11
		10	14	25	7.5	9	6.5	6.5	7.5	14	8.5	8.5	34.00	26.00	29.00	29.00	26.00	14	38	6.5	3.16

Local Mileage Scale	Name of Road	In Cents Per Hundred Pounds										
		1	2	3	4	5	6	A	B	C	D	E
95 Miles and Over 90	L., H. & St. L.	25	24	20	17	15	13					
	L. & N.	54	46	41	36	32	30	30	30	19	15	30
	I. C.	60	50	41	36	32	30	30	30	26	23	30
	I. C. (in Miss.)	60	48	39	33	28	25	18	28	25	12	28
	Ga. R. R. Com.	44	39	34	30	23	18	18	18	11.5	11	23
	Fla. R. R. Com.	60	55	49	30	34	28	20	20	20	14	34
	C., N. O. & T. P.	28	27	24	18	16	14	14	18	11	11	16
	Sou. (in Ky.)	37	33	28	25	23	21	21	23	18	13	21
	C. & O.	40	35	27	18	16	10					
	Ill. R. R. Com.	37.60	30.55	24.62	18.33	14.66	12.22	11.28	8.65	6.91	6.22	
	Mo. R. R. Com.	39	33	27	24	19		21	18	13.5	10.5	8
	Iowa R. R. Com.	23.6	20.06	15.73	11.8	8.26		8.8	8.26	7.08	5.9	4.72
	Cent. Frt. Assn.	23	22	18	12	9	8					
100 Miles and Over 95	L., H. & St. L.	25	24	20	17	15	13					
	L. & N.	55	47	42	37	32	30	30	30	20	15	30
	I. C.	60	50	41	36	32	30	30	30	26	23	30
	I. C. (in Miss.)	60	48	39	33	28	25	19	29	25	13	28
	Ga. R. R. Com.	45	40	35	30	23	18	18	18	11.5	11	23
	Fla. R. R. Com.	60	55	49	30	34	28	20	20	20	14	34
	C., N. O. & T. P.	28	27	24	18	16	14	14	18	11	11	16
	Sou. (in Ky.)	37	33	28	25	23	21	21	23	18	13	21
	C. & O.	40	35	27	18	16	10					
	Ill. R. R. Com.	38.54	31.02	24.90	18.80	15.04	12.45	11.47	8.84	7.05	6.34	
	Mo. R. R. Com.	40	34	28	24	20		22	18	14	11	8
	Iowa R. R. Com.	24	20.4	16	12	8.4		9	8.4	7.2	6	4.8
	Cent. Frt. Assn.	24	22	19	12.5	9	8					

H	F	Per bbl.	In Cents Per Hundred Pounds										In Dollars Per Car—20,000 Min.					In Cents Per Hundred Lbs.			
			Special Iron	Stoves and Stove Hollowware		Salt		Cement	Lime and Plaster	Fertilizers	Agricultural Implements	Lumber	Barrel and Box Material	Hroses and Mules	Cattle	Sheep		Hogs	Sash, Doors and Blinds		Drainage Tile and Sewer Pipe	Brick
																SD	DD	SD				
			CL	CL	LCL	CL	LCL	CL	CL	CL	CL	CL	CL	CL	CL	CL	CL	CL	CL	LCL	CL	CL
30	38		25	32	41	15	30	15	10	10	19	10	10	29.00	29.00	29.00	34 00	34.00	19	41	10	10
36	52		30	32	41	13	30	13	9	9	21	9	9	31.00	31.00	28.00	56.00	31.00	21	36	9	4
39	35		25	28	39	9.25	13.9	7	7	5	25	5.5	7	29.00	24.00	24.00	26.00	26.00	20	33	5	4
30	23		12	23	34	8.5	11.5	6	6	7.4	18	5.8	5.8	19.00	19.00	19.00		19.00	18	30	5.6	3.5
39	26		18.67	34	49	8.7	18 67	8.75	8.75	9	20	5.8	5.8	25.00	25.00	25.00		26.00	28	39	10	4.67
17	20		9.33	16	24	9	14	8	8	8	14	7.5	7.5	29.00	29.00	20.00	29.00	30.00	14	24	8	5
22	31		22	23	28	12	21	12	11	11	17	11	11	27.00	27.00	33.00	33.00	34.00	17	20	11	11
			11	16	27	8	9.5	6.5	6.5	8	16	8.5	8.5	34.00	26.00	29.00	29.00	26.00	16	40	6.5	3.33
30	40		25	32	42	15	30	15	10	10	20	10	10	30.00	30.00	30.00	35.00	35.00	23	42	10	10
36	52		30	32	41	13	30	13	9	9	21	9	9	31.00	31.00	28.00	56.00	31.00	21	36	9	4.5
39	35		25	28	39	9.75	14.6	7.25	7.25	5	25	6	7.25	29.00	34.00	24.00	26.00	24.00	20	33	5	4.5
30	23		12	23	35	8.5	11.5	6	6	7.6	18	5.8	5.8	20.00	20.00	20.00		20.00	18	30	5.6	3.5
39	26		18.67	34	49	8.7	18.67	8.75	8.75	9	20	5.8	5.8	25.00	25.00	25.00		25.00	28	39	10	4.67
17	20		9.33	16	24	9	14	8	8	8	14	7.5	7.5	29.00	29.00	20.00	29.00	30.00	14	24	8	5
22	31		22	23	28	12	21	12	11	11	17	11	11	27.00	27.00	33.00	33.00	34.00	17	20	11	11
			11	16	27	8	9.5	6.5	6.5	8	16	9	9	34.00	26.00	29.00	29.00	26 00	16	40	6.5	3.33

Local Mileage Scale	Name of Road	In Cents Per Hundred Pounds										
		1	2	3	4	5	6	A	B	C	D	E
110 Miles and Over 100	L., H. & St. L.	25	24	20	17	15	13					
	L. & N.	56	48	43	38	33	31	31	31	20	15	31
	I. C.	61	51	42	37	33	31	31	31	27	24	31
	I. C. (in Miss.)	62	50	41	34	29	26	19	30	36	13	29
	Ga. R. R. Com.	48	42	37	31	24	19	19	19	12	11	24
	Fla. R. R. Com.	62	58	50	41	35	30	21	21	21	15	35
	C., N. O. & T. P.	37	33	29	23	21	20	20	23	18	14	21
	Sou. (in Ky.)	34	30	26	23	21	19	19	21	16	12	19
	C. & O.	40	35	27	19	16	10					
	Ill. R. R. Com.	39.95	31.72	25.33	19.36	15.49	12.81	11.75	9.12	7.26	6.53	
	Mo. R. R. Com.	41.5	35.5	29	25	20.5		23	18.5	14.5	11.25	8.25
	Iowa R. R. Com.	25.2	21.13	16.52	12.5	8.83		9.52	8.75	7.5	6.25	5.4
	Cent. Frt. Assn.	24.5	22	19.5	12.5	9	8					
120 Miles and Over 110	L., H. & St. L.	25	24	20	17	15	13					
	L. & N.	58	50	44	39	34	32	32	32	21	16	32
	I. C.	62	52	42	37	33	32	32	32	27	24	32
	I. C. (in Miss.)	64	51	42	35	30	26	19	31	27	13	30
	Ga. R. R. Com.	51	44	39	32	25	20	20	20	13	12	25
	Fla. R. R. Com.	64	60	53	42	36	31	22	22	22	17	36
	C., N. O. & T. P.	40	34	30	24	21	20	20	24	18	14	21
	C. & O.	41.5	35.5	27.5	19.5	16	10					
	Ill. R. R. Com.	41.83	32.66	25.89	20.11	16.09	13.26	12.13	9.50	7.59	6.83	
	Mo. R. R. Com.	43.5	37	30.5	26	21.5		24	19.5	15.25	11.75	8.75
	Iowa R. R. Com.	26.8	22.12	17.22	13.15	9.42		10.22	9.20	7.9	6.59	5.36
	Cent. Frt. Assn.	25	22	19.5	12.5	9.5	8					
C. & O., 115 and over 110		41	35	27	19	16	10					
C. & O., 120 and over 115		42	36	28	20	16	10					

	Per bbl.	In Cents Per Hundred Pounds											In Dollars, Per Car—20,000 Min.					In Cents Per Hundred Lbs.			
	F	Special Iron	Stoves and Stove Hollowware		Salt		Cement	Lime and Plaster	Fertilizers	Agricultural Implements	Lumber	Barrel and Box Material	Horses and Mules	Cattle	Sheep		Hogs	Sash, Doors and Blinds		Drainage Tile and Sewer Pipe	Brick
															SD	DD	SD				
		CL	CL	LCL	CL	LCL	CL	CL	CL	CL	CL	CL	CL	CL	CL	CL	CL	CL	LCL	CL	CL
31	40	26	33	43	16	31	16	11	11	21	11	11	31.00	31.00	31.00	36.00	36.00	21	43	11	11
37	54	31	33	42	14	31	14	10	10	22	9	9	32.00	32.00	30.00	60.00	32.00	22	37	10	4.5
41	36	26	29	41	10	15	7.5	7.5	5.5	26	6	7.5	30.00	25.00	25.00	27.00	25.00	20.8	34	5.5	4.5
31	23	12.67	24	37	9	12	6.25	6.25	8.1	19	5.8	5.8	21.00	21.00	21.00		21.00	19	31	5.6	3.5
41	29	20	35	50	9.1	20	9	9	9.5	21	5.8	5.8	26.00	26.00	26.00		26.00	30	41	10.5	4.67
23	32	13.33	21	29	9	20	9	9	8	20	7.5	7.5	30.00	30.00	22.00	30.00	31.00	20	29	9	5
20	28	19	21	26	11	19	11	10	10	15	10	10	26.00	26.00	33.00	33.00	33.00	15	26	10	10
		11	16	27	8.5	10.25	6.85	6.85	8.55	16	9.25	9.25	38.00	30.00	30.00	30.00	30.00	16	40	6.85	3.50
32	42	26	34	44	16	32	16	11	11	22	11	11	33.00	33.00	33.00	38.00	38.00	22	44	11	11
37	54	32	33	42	15	32	15	10	10	22	9	9	32.00	32.00	30.00	60.00	32.00	22	37	10	4.5
42	36	26	30	42	10.25	15.4	7.5	7.5	6	26	6	7.5	31.00	25.00	25.00	27.50	25.00	20.8	35	6	4.5
32	24	13.33	25	39	9	13	6.5	6.5	8.6	20	6.25	6.25	23.00	23.00	23.00		23.00	20	32	6	3.75
42	30	20.67	36	53	9.6	23.25	9.25	9.25	9.75	31	6.25	6.25	26.00	26.00	26.00		26.00	31	42	11	5
28	36	13.33	21	30	10	20	9	9	8	20	9	9	30.00	30.00	33.00	32.20	31.00	20	30	9	5
		11	16	27.5	8.75	10.5	7.35	7.35	8.75	16	10.5	10.5	38.00	30.00	30.00	30.00	30.00	16	41.5	7.35	3.67
		11	16	27	8.75	10.5	7.25	7.25	8.75	16	10	10	38.00	30.00	30.00	30.00	30.00	16	41	7.25	3.67
		11	16	28	8.75	10.5	7.25	7.25	8.75	16	11	11	38.00	30.00	30.00	30.00	30.00	16	42	7.25	3.67

Local Mileage Scale	Name of Road	In Cents Per Hundred Pounds										
		1	2	3	4	5	6	A	B	C	D	E
130 Miles and Over 120	L., H. & St. L.	25	24	20	17	15	13					
	L. & N.	60	52	46	41	36	33	33	33	21	16	33
	I. C.	64	53	43	38	34	33	33	33	28	24	33
	I. C. (in Miss.)	66	53	43	36	31	27	20	32	27	14	31
	Ga. R. R. Com.	54	46	41	33	26	21	21	21	13	12	26
	Fla. R. R. Com.	66	61	55	43	37	32	23	23	23	18	37
	C., N. O. & T. P.	45	36	33	26	22	21	20	26	18	14	22
	C. & O.	44	38	30	21	17	12					
	Ill. R. R. Com.	43	33.60	26.46	20.86	16.69	13.63	12.50	9.87	7.87	7.08	
	Mo. R. R. Com.	45.5	38.5	31.5	27.5	22.5		25	20.5	15.75	12.25	9
	Iowa R. R. Com.	28.4	23.10	17.92	13.81	10		10.92	9.66	8.3	6.93	5.68
	Cent. Frt. Assn.	26	23	19.5	13	10	8.5					
140 Miles and Over 130	L., H. & St. L.	25	24	20	17	15	13					
	L. & N.	62	53	47	42	37	34	34	34	22	17	34
	I. C.	65	54	44	39	35	34	34	34	28	24	34
	I. C. (in Miss.)	68	54	44	37	32	28	20	33	28	14	32
	Ga. R. R. Com.	57	48	43	34	27	22	22	22	13	13	27
	Fla. R. R. Com.	68	62	57	45	38	33	24	24	24	18	38
	C., N. O. & T. P.	47	38	35	28	24	22	20	26	20	15	24
	C. & O.	44	38	30	21	17	12					
	Ill. R. R. Com.	43.95	34.55	26.02	21.61	17.29	14	12.81	10.25	8.15	7.34	
	Mo. R. R. Com.	47.5	40.5	33.5	28.5	23.5		26	21.5	16.75	12.75	9.5
	Iowa R. R. Com.	30	23.08	18.62	14.48	10.58		11.62	10.12	8.7	7.28	6
	Cent. Frt. Assn.	27.5	24	20	13	10	8.5					

	Per bbl.	In Cents Per Hundred Pounds											In Dollars, Per Car—20,000 Min.					In Cents Per Hundred Lbs.			
	F	Special Iron	Stoves and Stove Hollowware		Salt		Cement	Lime and Plaster	Fertilizers	Agricultural Implements	Lumber	Barrel and Box Material	Horses and Mules	Cattle	Sheep		Hogs	Sash, Doors and Blinds		Drainage Tile and Sewer Pipe	Brick
															SD	DD	SD				
		CL	CL	LCL	CL	LCL	CL	CL	CL	CL	CL	CL	CL	CL	CL	CL	CL	CL	LCL	CL	CL
33	42	27	36	46	17	33	17	12	12	23	12	12	34.00	34.00	34.00	39.00	39.00	23	46	12	12
38	56	33	34	43	15	33	15	10	10	23	10	10	34.00	34.00	32.00	64.00	34.00	23	38	10	4 3
43	37	27	31	43	10.5	15.7	8	8	6.5	27	6.5	8	32.00	25.00	25.00	27.50	25.00	21.6	36	6.5	4.5
33	25	14	26	41	9.5	13	6.75	6.75	9	21	6 67	6.67	24.00	24.00	24.00		24.00	21	33	6.4	4
43	31	21.33	37	55	10	24	9.5	9.5	10	32	6.67	6.67	27.00	27.00	27.00		27.00	32	43	11.5	5.33
28	36	14	22	33	10	21	9	9	8	21	10	10	31.00	31.00	24.00	33.60	32.00	21	33	9	7
		13	17	30	9	10.75	7.75	7.75	9	17	11.5	11.5	39.00	31.00	31.00	31.00	31.00	17	44	7.75	3.83
34	44	27	37	47	17	34	17	12	12	24	12	12	35.00	35.00	35.00	40.00	40.00	24	47	12	12
38	56	34	35	44	15	34	15	10	10	24	10	10	34.00	34.00	32.00	64.00	34.00	24	39	10	4.5
44	38	28	32	44	11	16.5	8.5	8.5	7	28	7	8.5	33.00	26.00	26.00	28.60	26.00	22.4	37	7	4.5
34	26	14.67	27	43	9.5	13	7	7	9.5	22	6.67	6.67	25.00	25.00	25.00		25.00	22	34	6.4	4
45	32	22	38	57	10.4	24.75	9.75	9.75	10.25	33	6.67	6.67	28.00	28.00	28.00		28.00	33	45	12	5.33
30	38	14.67	24	35	10	22	9	9	9	22	11	11	32.00	32.00	25.00	35.00	34.00	22	35	9	7
		13	17	30	9	10.75	8.25	8.25	9	17	12	12	40.00	32.00	32.00	32.00	32.00	17	44	8.25	4
C. & O., 125 and over 120													38.00	30.00	30.00	30.00	30.00				
C. & O., 130 and over 125													40.00	32.00	32.00	32.00	32.00				

Local Mileage Scale	Name of Road	In Cents Per Hundred Pounds										
		1	2	3	4	5	6	A	B	C	D	E
150 Miles and Over 140	L., H. & St. L.	25	24	20	17	15	13					
	L. & N.	64	55	49	44	39	36	36	36	22	17	36
	I. C.	66	56	45	41	36	35	35	35	30	25	35
	I. C. (In Miss.)	70	56	46	38	33	29	20	34	29	14	33
	Ga. R. R. Com.	60	50	45	35	28	23	23	23	14	13	28
	Fla. R. R. Com.	70	63	59	47	39	35	25	25	24	18	39
	C., N. O. & T. P.	49	40	37	29	25	23	20	26	23	15	26
	C. & O.	45.5	39	31.5	22	17	13					
	Ill. R. R. Com.	44.88	35.48	27.58	22.37	17.89	14.38	13.09	10.55	8.42	7.57	
	Mo. R. R. Com.	49.5	42	34.5	29.5	24.5		27	22	17.25	13.25	10
	Iowa R. R. Com.	31.6	25.06	19.32	15.13	11.15		12.32	10.59	9.1	7.61	6.32
	Cent. Frt. Assn.	28.5	25	20	13.5	10.5	8.5					
160 Miles and Over 150	L. & N.	66	57	50	45	40	37	37	37	23	18	37
	I. C.	66	57	46	42	37	36	36	36	32	25	36
	I. C. (In Miss.)	72	58	48	39	34	30	22	34	29	15	34
	Ga. R. R. Com.	62	52	46	36	29	24	24	24	14	13	29
	Fla. R. R. Com.	72	65	59	49	41	36	26	26	25	19	41
	C., N. O. & T. P.	51	42	39	30	27	24	20	26	23	16	28
	C. & O.	47	40	33	23	17	14					
	Ill. R. R. Com.	45.81	36.28	28.15	22.84	18.26	14.64	13.30	10.83	8.60	7.75	
	Mo. R. R. Com.	51.5	43.5	36	31	25.5		28.5	23	18	14	10.5
	Iowa R. R. Com.	33.2	26.03	20.02	15.79	11.57		12.01	11.05	9.48	7.95	6.64
	Cent. Frt. Assn.	30	26	21	13.5	11	9					
C. & O., 145 and over 140		44	38	30	21	17	12					
C. & O., 150 and over 145		47	40	33	23	17	14					

H	F	Per bbl.	In Cents Per Hundred Pounds										In Dollars Per Car—20,000 Min.					In Cents Per Hundred Lbs.			
		Special Iron	Stoves and Stove Hollowware		Salt		Cement	Lime and Plaster	Fertilizers	Agricultural Implements	Lumber	Barrel and Box Material	Horses and Mules	Cattle	Sheep		Hogs	Sash, Doors and Blinds		Drainage Tile and Sewer Pipe	Brick
															SD	DD	SD				
		CL	CL	LCL	CL	LCL	CL	CL	CL	CL	CL	CL	CL	CL	CL	CL	CL	CL	LCL	CL	CL
36	44	28	39	49	18	36	18	13	13	25	13	13	36.00	36.00	36.00	40.00	40.00	25	49	13	13
38	60	35	36	45	16	35	16	11	11	25	10	10	36.00	36.00	34.00	68.00	36.00	25	41	11	5
46	39	29	33	46	11.5	17.2	8.5	8.5	7.5	29	7	8.5	34.00	26.00	26.00	28.60	26.00	23.2	38	7.5	5
35	28	15.33	28	45	10	14	7.5	7.5	9.9	23	7.1	7.1	26.00	26.00	26.00		26.00	23	35	6.8	4.25
47	33	23.33	39	59	10.8	26.25	10	10	10.5	35	7.1	7.1	30.00	30.00	30.00		30.00	35	47	12.5	5.67
33	38	15.33	25	37	11	23	10	10	9	23	11	11	34.00	34.00	26.00	36.40	36.00	23	37	10	9
		14.5	17	31.5	9	10.75	9	9	9	17	12	12	40.00	32.00	32.00	32.00	32.00	17	45.5	9	4.16
37	46	28	40	50	18	37	18	13	13	26	13	13	37.00	37.00	37.00	40.00	40.00	26	50	13	13
38	64	36	37	46	16	36	16	11	11	26	10.5	10.5	36.00	36.00	34.00	68.00	36.00	26	42	11	5
30	39	30	34	48	12	18	8.5	8.5	8	30	7.5	8.5	35.00	27.00	27.00	29.70	27.00	24	39	8	5
36	29	16	29	46	10	14	8	8	10.1	24	7.1	7.1	27.00	27.00	27.00		27.00	24	36	6.8	4.25
49	34	24	41	59	11.2	27	10 25	10.25	10.75	36	7.1	7.1	31.00	31.00	31.00		31.00	36	49	13	5.67
33	38	16	27	39	11	24	10	10	9	24	11	11	36.00	36.00	27.00	37.80	38.00	24	39	10	9
		15.5	17	33	9.75	11.75	9.25	9.25	9.75	17	12	12	43.00	33.00	33.00	33.00	33.00	17	47	9.25	4.25
		13	17	30	9	10.75	8.75	8.75	9	17	12	12	40.00	32.00	32.00	32.00	32.00	17	44	8.75	4.16
		15.5	17	33	9	10.75	9.25	9.25	9	17	12	12	40.00	32.00	32.00	32.00	32.00	17	47	9.25	4.16

Local Mileage Scale	Name of Road	In Cents Per Hundred Pounds										
		1	2	3	4	5	6	A	B	C	D	E
170 Miles and Over 180	L. & N.	68	59	52	47	42	38	38	38	23	18	38
	I. C.	68	59	48	44	39	38	38	38	33	25	38
	I. C. (In Miss.)	74	59	49	40	35	31	22	35	30	15	35
	Ga. R. R. Com.	64	54	47	37	30	25	25	25	15	14	30
	Fla. R. R. Com.	74	67	60	50	42	37	27	27	26	20	42
	C., N. O. & T. P.	53	44	41	31	28	25	20	26	23	16	30
	C. & O.	49	42	34	24	17	15					
	Ill. R. R. Com.	46.62	37.03	28.71	23.22	18.56	14.97	13.49	11.11	8.79	7.91	
	Mo. R. R. Com.	53.5	45.5	37.5	32	26.5		29.5	24	18.75	14.5	10.75
	Iowa R. R. Com.	34.8	27.02	20.72	16.45	12.37		13.69	11.45	9.87	8.29	6.96
	Cent. Frt. Assn.	31	26.5	21.5	14	11	9					
180 Miles and Over 170	L. & N.	70	60	53	48	43	39	39	39	24	19	39
	I. C.	70	61	50	46	40	39	40	40	34	25	39
	I. C. (In Miss.)	75	60	50	41	35	31	23	35	31	16	35
	Ga. R. R. Com.	66	56	48	38	31	26	26	26	15	14	31
	Fla. R. R. Com.	76	68	61	53	43	38	28	27	28	21	43
	C., N. O. & T. P.	55	46	43	32	29	26	20	26	23	17	32
	C. & O.	49	42	34	24	17	15					
	Ill. R. R. Com.	47.37	37.79	29.28	23.59	18.87	15.30	13.68	11.34	8.97	8.08	
	Mo. R. R. Com.	55.5	47.5	38.5	33.5	27.5		30.5	25	19.25	15	11
	Iowa R. R. Com.	36.4	28	21.42	17.12	12.90		14.37	11.97	10.25	8.63	7.28
	Cent. Frt. Assn.	31.5	27	21.5	14	11.5	9					

	Per bbl.	In Cents Per Hundred Pounds											In Dollars, Per Car—20,000 Min.					In Cents Per Hundred Lbs.			
	F	Special Iron	Stoves and Stove Hollowware		Salt		Cement	Lime and Plaster	Fertilizers	Agricultural Implements	Lumber	Barrel and Box Material	Horses and Mules	Cattle	Sheep		Hogs	Sash, Doors and Blinds		Drainage Tile and Sewer Pipe	Brick
															SD	DD	SD				
		CL	CL	LCL	CL	LCL	CL	CL	CL	CL	CL	CL	CL	CL	CL	CL	CL	CL	LCL	CL	CL
38	46	29	42	52	19	38	19	14	14	27	14	14	38.00	38.00	38.00	40.00	40.00	27	52	14	14
40	66	38	39	48	17	38	17	12	12	28	10.5	10.5	38.00	38.00	36.00	72.00	38.00	27	44	12	5
49	40	31	35	49	12.5	18.7	9	9	8.5	31	7.5	9	36.00	27.00	27.00	29.70	27.00	24.8	40	8.5	5
37	31	16.67	30	47	10.5	15	8.5	8.5	10.4	25	7.5	7.5	28.00	28.00	28.00		28.00	25	37	7.2	4.5
50	35	24.67	42	60	11.7	27.75	10.5	10.5	11	37	7.5	7.5	31.00	31.00	31.00		31.00	37	50	13.5	6
33	38	16.67	28	41	11	25	10	10	9	25	11	11	38.00	38.00	28.00	39.20	40.00	25	41	10	9
		16.5	17	34	10	12	9.75	9.75	10	17	12	12	43.00	33.00	33.00	33.00	33.00	17	49	9.75	4.33
39	48	29	43	53	20	39	20	15	15	28	15	15	40.00	40.00	40.00	40.00	40.00	28	53	15	15
41	68	39	40	50	17	39	17	12	12	29	10.5	10.5	38.00	38.00	36.00	72.00	38.00	29	46	12	5.5
50	41	31	35	50	13	19.5	9.5	9.5	9	31	7.75	9.5	36.00	28.00	28.00	30.80	28.00	24.8	41	9	5.5
38	31	17.33	31	48	10.5	15	9	9	10.6	26	7.9	7.9	29.00	29.00	29.00		29.00	26	38	7.6	4.75
53	36	25.33	43	61	12	28.5	10.75	10.75	11	38	7.9	7.9	32.00	32.00	32.00		32.00	38	53	14	6.33
33	38	17.33	29	43	11	26	10	10	9	26	11	11	40.00	40.00	29.00	40.60	40.00	26	43	10	9
		16.5	17	34	10.25	12.25	9.85	9.85	10.25	17	12	12	46.00	36.00	36.00	36.00	36.00	17	49	9.85	4.41

Local Mileage Scale	Name of Road	In Cents Per Hundred Pounds										
		1	2	3	4	5	6	A	B	C	D	E
190 Miles and Over 180	L. & N.	72	62	54	49	44	40	40	40	24	19	40
	I. C.	71	62	51	47	41	40	41	41	34	25	40
	I. C. (in Miss.)	76	61	50	42	36	32	21	37	31	16	36
	Ga. R. R. Com.	68	58	49	39	32	27	27	27	16	15	32
	Fla. R. R. Com.	77	69	63	54	44	39	29	28	29	21	44
	C., N. O. & T. P.	57	48	45	33	30	27	20	26	23	17	32
	C. & O.	52	44	35	24	18	15					
	Ill. R. R. Com.	48.13	38.53	29.84	23.97	19.22	15 58	13.87	11.63	9.17	8.25	
	Mo. R. R. Com.	57.5	48.5	40.5	35	28.5		26	26	20.25	15.5	11.5
	Iowa R. R. Com.	38	28.98	22.12	17.78	13.48		15.05	12.38	10.63	8.97	7.5
	Cent. Frt. Assn.	32	28	22	14.5	11.5	9.5					
200 Miles and Over 190	L. & N.	74	64	55	50	45	41	41	41	25	20	41
	I. C.	72	63	52	48	42	40	42	42	34	25	40
	I. C. (in Miss.)	77	62	51	43	36	32	24	39	32	16	36
	Ga. R. R. Com.	70	60	50	40	32	27	27	27	16	15.5	32
	Fla. R. R. Com.	78	70	64	55	45	40	30	29	29	21	45
	C., N. O. & T. P.	61	51	47	36	32	28	20	26	23	18	32
	C. & O.	52	44	35	24	18	15					
	Ill. R. R. Com.	48.73	39.29	30.40	24.35	19.47	15.89	14.05	11.94	9.35	8.42	
	Mo. R. R. Com.	59.5	50.5	41.5	35.5	29.5		32.5	27	20.75	16	12
	Iowa R. R. Com.	39.6	29.96	12.82	18.43	14.05		15.78	12.89	11	9.31	7.92
	Cent. Frt. Assn.	33	28.5	22	15	12	9.5					

C. & O., 195 and over 190.....
C. & O., 200 and over 195.....

	Per bbl.	In Cents Per Hundred Pounds											In Dollars, Per Car—20,000 Min.					In Cents Per Hundred Lbs.			
H	F	Special Iron	Stoves and Stove Hollowware		Salt		Cement	Lime and Plaster	Fertilizers	Agricultural Implements	Lumber	Barrel and Box Material	Horses and Mules	Cattle	Sheep		Hogs	Sash, Doors and Blinds		Drainage Tile and Sewer Pipe	Brick
															SD	DD	SD				
		CL	CL	LCL	CL	LCL	CL	CL	CL	CL	CL	CL	CL	CL	CL	CL	CL	CL	LCL	CL	CL
40	48	30	44	54	20	40	20	15	15	29	15	15	40.00	40.00	40.00	40.00	40.00	29	54	15	15
42	68	40	41	51	17	40	17	12	12	30	10.5	10.5	38.00	38.00	36.00	72.00	38.00	30	47	12	6
50	42	32	36	50	13.5	20.2	9.5	9.5	9.5	32	8	9.5	37.00	29.00	29.00	31.90	29.00	25.6	42	9.5	6
39	33	18	32	49	11	16	9.5	9.5	10.8	27	7.9	7.9	29.50	29.50	29.50		29.50	27	39	7.6	4.75
54	37	26	44	63	12.5	29.25	10.8	10.8	11.1	39	7.9	7.9	33.00	33.00	33.00		33.00	39	54	14.5	6.33
33	38	18	30	45	11	27	11	11	10	27	12	12	42.00	42.00	30.00	42.00	40.00	27	45	11	10
		16.5	18	35	10.5	12.5	10	10	10.5	18	13.5	13.5	46.00	36.00	36.00	36.00	36.00	18	52	10	4.50
41	50	30	45	55	21	41	21	16	16	30	16	16	40.00	40.00	40.00	40.00	40.00	30	55	16	16
42	68	40	42	52	17	40	17	12	12	30	10.5	10.5	38.00	38.00	36.00	72.00	38.00	30	48	12	6
15	43	32	36	51	14	21	10	10	10	32	8	10	37.00	29.00	29.00	31.90	29.00	25.6	43	10	6
40	33	18	32	50	11	16	10	10	11.1	27	8.2	8.2	30.00	30.00	30.00		30.00	27	40	8	5
55	39	26.67	45	64	12.7	30	10.8	10.8	11.2	40	8.2	8.2	34.00	34.00	34.00		34.00	40	55	15	6.67
33	38	18.67	32	47	11	28	11	11	10	28	12	12	44.00	44.00	31.00	43.40	40.00	28	47	11	10
		16.5	18	35	10.75	13	10.15	10.15	10.75	18	13.5	13.5	46.00	36.00	36.00	36.00	36.00	18	52	10.15	4.58
							10 10.25	10 10.25												10 10.25	

Local Mileage Scale	Name of Road	In Cents Per Hundred Pounds										
		1	2	3	4	5	6	A	B	C	D	E
210 Miles and Over 200	L. & N.	76	65	56	51	46	42	42	42	25	20	42
	I. C.	76	66	55	50	44	42	44	44	35	25	42
	I. C. (in Miss.)	78	62	51	43	37	33	27	40	32	17	37
	Ga. R. R. Com.	71	62	51	41	33	28	28	28	17	16	33
	Fla. R. R. Com.	80	71	64	56	46	41	31	30	30	21	46
	C. & O.	52	44	35	24	19	15					
	Ill. R. R. Com.	49.53	40.04	31.04	24.81	19.85	16.17	14.29	12.22	19.55	8.63	
	Mo. R. R. Com.	62	53	43	37	31		34	28	22	17	12.5
	Iowa R. R. Com.	41.6	31.18	23.7	19.24	14.78		16.56	13.45	11.49	9.71	8.3
	Cent. Frt. Assn.	34	29.5	22.5	15	12.5	10					
220 Miles and Over 210	L. & N.	78	67	57	52	47	43	43	43	26	20	43
	I. C.	76	66	55	50	44	42	44	44	35	25	42
	I. C. (in Miss.)	79	63	52	44	37	33	27	41	32	17	37
	Ga. R. R. Com.	72	64	52	42	33	28	28	28	17	16	33
	Fla. R. R. Com.	82	72	65	57	47	43	32	31	31	22	47
	C. & O.	52	44	35	24	19	15					
	Ill. R. R. Com.	50.19	40.60	31.49	25.19	20.15	16.36	14.48	12.41	9.78	8.80	
	Mo. R. R. Com.	64	54	44	38	32		35	29	22	17.5	13
	Iowa R. R. Com.	43.2	32.16	24.4	19.88	15.36		17.22	13.9	11.88	10.03	8.6
	Cent. Frt. Assn.	35	30	22.5	15	13	10					

	Per bbl.	In Cents Per Hundred Pounds											In Dollars, Per Car—20,000 Min.					In Cents Per Hundred Lbs.			
H	F	Special Iron	Stoves and Stove Hollowware		Salt		Cement	Lime and Plaster	Fertilizers	Agricultural Implements	Lumber	Barrel and Box Material	Horses and Mules	Cattle	Sheep		Hogs	Sash, Doors and Blinds		Drainage Tile and Sewer Pipe	Brick
															SD	DD	SD				
		CL	CL	LCL	CL	LCL	CL	CL	CL	CL	CL	CL	CL	CL	CL	CL	CL	CL	LCL	CL	CL
42	50	30	46	56	21	42	21	16	16	31	16	16	40.00	40.00	40.00	40.00	40.00	31	56	16	16
44	70	42	44	55	18	42	18	13	13	32	11	11	42.00	42.00	40.00	80.00	42.00	32	50	13	6.5
51	44	33	37	51	14.5	21.7	10	10	10.5	33	8.5	10	38.00	31.00	31.00	34.10	31.00	26.4	43	10.5	6.5
41	34	18.67	33	51	11.5	17	10.5	10.5	11.3	28	8.2	8.2	31.00	31.00	31.00		31.00	28	41	8	5
56	40	27.33	46	64	12.9	30.75	10.9	10.9	11.2	41	8.2	8.2	34.00	34.00	34.00		34.00	41	56	15.5	6.67
		16.5	19	35	11	13.25	10.25	10.25	11	19	15	15	50.00	40.00	40.00	40.00	40.00	19	52	10.25	4.75
43	52	31	47	57	22	43	22	17	17	32	17	17	40.00	40.00	40.00	40.00	40.00	32	57	17	17
44	70	42	44	55	18	42	18	13	13	32	11	11	42.00	42.00	40.00	80.00	42.00	32	50	13	6.5
52	45	33	37	52	15	22.5	10.5	10.5	11	33	8.5	10.5	40.00	31.00	31.00	34.10	31.00	26.4	44	11	6.5
42	34	18.67	33	52	11.5	17	11	11	11.5	28	8.6	8.6	31.50	31.50	31.50		31.50	28	42	8.4	5.25
57	41	28.67	47	65	12.9	32.25	10.9	10.9	11.25	43	8.75	8.7	35.00	35.00	35.00		35.00	43	57	16	7
		16.5	19	35	11	13.25	10.25	10.25	11	19	15	15	50.00	40.00	40.00	40.00	40.00	19	52	10.25	4.83

Local Mileage Scale	Name of Road	In Cents Per Hundred Pounds										
		1	2	3	4	5	6	A	B	C	D	E
	L. & N.	80	69	58	53	48	44	44	44	26	20	44
	I. C.	79	69	57	52	46	44	46	46	36	25	44
	I C. (in Miss.)	80	64	52	44	38	33	27	42	33	17	38
230	Ga. R. R. Com.	73	66	53	43	34	29	29	29	18	17	34
Miles	Fla. R. R. Com.	83	73	66	58	48	44	33	32	32	23	48
and	C. & O.	52	44	35	24	19	15					
Over	Ill. R. R. Com.	50.85	41.17	31.96	25.56	20.45	16.54	14.66	12.60	9.96	8.97	
220	Mo. R. R. Com.	66	55	45	39	33		36	30	23	18	13
	Iowa R. R. Com.	44.8	33.14	25.1	20.52	15.94		17.88	14.35	12.27	10.35	8.9
	Cent. Frt. Assn.	35.5	30.5	23	15.5	13	10.5					
	L. & N.	82	71	59	54	49	45	45	45	27	21	45
	I. C.	79	69	57	52	46	44	46	46	36	25	44
	I. C. (in Miss.)	81	65	53	45	38	34	27	43	33	17	38
240	Ga. R. R. Com.	74	68	54	44	34	29	29	29	18	17	34
Miles	Fla. R. R. Com.	84	74	67	59	50	45	34	33	33	24	50
and	C. & O.	52	44	35	24	19	15					
Over	Ill. R. R. Com.	51.51	41.73	32.43	25.94	20.75	16.73	14.83	12.78	10.15	9.14	
230	Mo. R. R. Com.	67	57	46	40	33		37	30	23.5	18	13.5
	Iowa R. R. Com.	46.4	34.12	25.8	21.16	16.52		18.54	14.8	12.66	10.67	9.2
	Cent. Frt. Assn.	36	31	23	16	13	10.5					

	Per bbl.	In Cents Per Hundred Pounds											In Dollars, Per Car—20,000 Min.					In Cents Per Hundred Lbs.			
H	F	Special Iron	Stoves and Stove Hollowware		Salt		Cement	Lime and Plaster	Fertilizers	Agricultural Implements	Lumber	Barrel and Box Material	Horses and Mules	Cattle	Sheep		Hogs	Sash, Doors and Blinds		Drainage Tile and Sewer Pipe	Brick
															SD	DD	SD				
		CL	CL	LCL	CL	LCL	CL	CL	CL	CL	CL	CL	CL	CL	CL	CL	CL	CL	LCL	CL	CL
44	52	31	48	58	22	44	22	17	17	33	17	17	41.00	41.00	41.00	41.00	41.00	33	58	17	17
46	72	44	46	57	18	44	18	13	13	34	11	11	42.00	42.00	40.00	80.00	42.00	34.00	52.00	13.00	6.5
52	46	33	38	52	16	24	10.5	10.5	11.5	33	8.5	10.5	42.00	31.00	31.00	34.10	31.00	26.4	44	11.5	6.5
43	36	19.33	34	53	11.5	18	11.5	11.5	11.9	29	8.6	8.6	32.00	32.00	32.00		32.00	29	43	8.4	5.25
58	42	29.33	48	66	12.9	33	11	11	11.3	44	8.7	8.7	36.00	36.00	36.00		36.00	44	58	16 5	7
		16.5	19	35	11	13.25	11.25	11.25	11	19	15	15	50.00	40.00	40.00	40.00	40.00	19	52	11.25	5
45	54	31	49	59	23	45	23	18	18	34	18	18	42.00	42.00	42.00	42.00	42.00	34	59	18	18
46	72	44	46	57	18	44	18	13	13	34	11	11	42.00	42.00	40.00	80.00	42.00	34	52	13	6.5
53	47	34	38	53	17	25.5	11	11	12	34	8.5	11	44.00	31.00	31.00	34.10	31.00	27.2	45	12	6.5
44	36	19.33	34	54	12	18	12	12	11.9	29	9.2	9.2	33.00	33.00	33.00		33.00	29	44	8.8	5.6
59	43	30	50	67	13.33	33.75	11	11	11.3	45	9.2	9.2	36.00	36.00	36.00		36.00	45	59	17	7.33
		16.5	19	35	12	14.5	11.50	11.50	12	19	15	15	54.00	40.00	40.00	40.00	40.00	19	52	11.5	5.16

Local Mileage Scale	Name of Road	In Cents Per Hundred Pounds										
		1	2	3	4	5	6	A	B	C	D	E
250 Miles and Over 240	L. & N.	84	72	60	55	50	46	46	46	27	21	46
	I. C.	82	72	59	54	48	46	48	48	36	25	46
	I. C. (In Miss.)	82	66	54	45	39	34	27	44	33	17	39
	Ga. R. R. Com.	75	70	55	45	35	30	30	30	19	18	35
	Fla. R. R. Com.	85	75	68	61	51	46	35	34	33	25	51
	C. & O.	52	44	35	24	19	15					
	Ill. R. R. Com.	52.17	42.30	32.90	26.32	21.15	16.92	15.04	12.97	10.34	9.31	
	Mo. R. R. Com.	68	58	47	41	34		37	31	24	18.5	13.5
	Iowa R. R. Com.	48	35.1	26.5	21.8	17.1		19.2	15.25	13.05	10.99	9.5
	Cent. Frt. Assn.	37	32	23.5	16	13.5	10.5					
260 Miles and Over 250	L. & N.	87	75	61	56	51	47	47	47	28	22	47
	I. C.	82	72	59	54	48	46	48	48	36	25	46
	I. C. (In Miss.)	82	66	54	45	39	34	29	45	33	19	39
	Ga. R. R. Com.	76	71	56	46	35	30	30	30	19	18	35
	Fla. R. R. Com.	86	76	69	62	52	47	36	35	34	25	52
	C. & O.	53	45	35.5	24	19	15					
	Ill. R. R. Com.	52.83	42.86	33.37	26.69	21.35	17.11	15.23	13.16	10.48	9.43	
	Mo. R. R. Com.	69	58	48	42	35		38	31	24.5	19	14
	Iowa R. R. Com.	49.6	36.08	27.2	22.44	17.68		19.86	15.7	13.44	11.31	9.8
	Cent. Frt. Assn.	38.5	33	24.5	16.5	14	11					

	Per bbl.	In Cents Per Hundred Pounds											In Dollars, Per Car—20,000 Min.					In Cents Per Hundred Lbs.			
H	F	Special Iron	Stoves and Stove Hollowware		Salt		Cement	Lime and Plaster	Fertilizers	Agricultural Implements	Lumber	Barrel and Box Material	Horses and Mules	Cattle	Sheep		Hogs	Sash, Doors and Blinds		Drainage Tile and Sewer Pipe	Brick
															SD	DD	SD				
		CL	CL	LCL	CL	LCL	CL	CL	CL	CL	CL	CL	CL	CL	CL	CL	CL	CL	LCL	CL	CL
46	54	32	50	60	24	46	23	18	18	36	18	18	44.00	44.00	44.00	44.00	44.00	36	60	18	18
48	72	46	48	59	18	46	18	13	13	36	11	11	42.00	42.00	40.00	80.00	42.00	36	54	13	6.5
54	48	34	39	54	18	26.2	11	11	12.5	34	8.5	11	46.00	31.00	31.00	34.10	31.00	27.2	45	12.5	6.5
45	38	20	35	55	12	19	12.5	12.5	12.4	30	9.2	9.2	33.50	33.50	33.50		33.50	30	45	8.8	6.5
61	44	30.67	51	68	13.33	34.5	11.1	11.1	11.4	46	9.2	9.2	37.00	37.00	37.00		37.00	46	61	17.5	7.33
		16.5	19	35	12.5	15	11.75	11.75	12.5	19	15	15	54.00	40.00	40.00	40.00	40.00	19	52	11.75	5.33
47	56	34	51	61	24	47	24	19	19	38	19	19	46.00	46.00	46.00	46.00	46.00	38	51	19	19
48	72	46	48	59	18	46	18	13	13	36	11	11	44.00	44.00	42.00	84.00	44.00	36	54	13	7
54	49	34	39	54	18	27	11.5	11.5	12.5	34	9	11.5	46.00	33.00	33.00	36.30	33.00	27.2	45	12.5	7
46	38	20	35	56	12	19	13	13	12.4	30	9.2	9.2	34.00	34.00	34.00		34.00	30	46	8.9	5.5
62	45	31.33	52	69	13.33	35.25	11.1	11.1	11.4	47	9.2	9.2	37.00	37.00	37.00		37.00	47	62	18	7.33
		16.5	19	35.5	13	15.5	12	12	13	19	15	15	54.00	40.00	40.00	40.00	40.00	19	53	12	5.50

Local Mileage Scale	Name of Road	In Cents Per Hundred Pounds										
		1	2	3	4	5	6	A	B	C	D	E
270 Miles and Over 260	L. & N.	87	75	61	56	51	47	47	47	28	22	47
	I. C.	85	75	61	56	50	47	49	49	36	25	38
	I. C. (in Miss.)	83	66	54	46	39	34	29	45	34	19	39
	Ga. R. R. Com.	77	71	56	46	36	31	31	31	20	19	36
	Fla. R. R. Com.	87	77	70	63	54	48	37	36	35	25	54
	C. & O.	53	45	35.5	24	19	15					
	Ill. R. R. Com.	53.48	43.42	33.84	27.08	21.65	17.30	15.42	13.35	10.62	9.56	
	Mo. R. R. Com.	70	60	49	43	36		39	32	25	19.5	14.5
	Iowa R. R. Com.	51.2	37.06	27.9	23.08	18.26		20.52	16.15	13.83	11.63	10.1
	Cent. Frt. Assn.	38.5	33	24.5	16.5	14	11					
280 Miles and Over 270	L. & N.	88.5	76	61.5	56.5	51.5	47.5	47.5	47.5	28	22	47.5
	I. C.	85	75	61	56	50	47	49	49	36	25	38
	I. C. (in Miss.)	83	66	54	46	39	34	29	45	34	19	39
	Ga. R. R. Com.	78	72	57	47	36	32	32	32	20	19	36
	Fla. R. R. Com.	88	78	71	64	54	49	38	37	36	26	54
	C. & O.	53	45	35.5	24	19	15					
	Ill. R. R. Com.	54.14	43.99	34.31	37.44	21.95	17.48	15.60	13.54	10.76	9.69	
	Mo. R. R. Com.	71	61	50	44	36		40	33	25.5	19.5	14.5
	Iowa R. R. Com.	52.8	38.4	28.6	23.72	18.84		21.18	16.6	14.22	11.95	10.4
	Cent. Frt. Assn.	39.25	33.5	24.75	16.75	14.25	11.25					
L. & N., 275 and over 270		87	75	61	56	51	47	47	47	28	22	47
L. & N., 280 and over 275		90	77	62	57	52	48	48	48	28	22	48

	Per bbl.	In Cents Per Hundred Pounds											In Dollars, Per Car—20,000 Min.					In Cents Per Hundred Lbs.			
H	F	Special Iron	Stoves and Stove Hollowware		Salt		Cement	Lime and Plaster	Fertilizers	Agricultural Implements	Lumber	Barrel and Box Material	Horses and Mules	Cattle	Sheep		Hogs	Sash, Doors and Blinds		Drainage Tile and Sewer Pipe	Brick
															SD	DD	SD				
		CL	CL	LCL	CL	LCL	CL	CL	CL	CL	CL	CL	CL	CL	CL	CL	CL	CL	LCL	CL	CL
47	56	32	51	61	24	47	24	19	19	38	19	19	46.00	46.00	46.00	46.00	46.00	38	61	19	19
49	72	47	50	61	18	47	18	13	13	38	11	11	44.00	44.00	42.00	84.00	44.00	38	56	13	7
54	49	34	39	54	18.5	27.75	11.5	11.5	13	34	9	11.5	48.00	33.00	33.00	36.30	33.00	27.2	46	13	7
46	40	26.67	36	56	12.5	20	13.5	13.5	12.8	31	9.6	9.6	34.50	34.50	34.50		34.50	31	46.2	9.2	5.75
63	46	32	54	70	13.75	36	11.2	11.2	11.5	48	9.6	9.6	38.00	38.00	38.00		38.00	48	63	18.5	7.67
		16.5	19	35.5	13.5	16.25	12.25	12.25	13.5	19	15	15	54.00	40.00	40.00	40.00	40.00	19	53	12.25	5.67
47.5	56	32	51.5	61.5	24.5	47.5	24.5	19.5	19.5	38.5	19.5	19.5	47.00	47.00	47.00	47.00	47.00	38.5	49.5	19.5	19.5
49	72	47	50	61	18	47	18	38	13	38	11	11	44.00	44.00	42.00	84.00	44.00	38	56	13	7.25
54	50	34	39	54	18.75	28.1	12	12	13	34	9.5	12	48.00	33.00	33.00	36.30	33.00	27.2	46	13	7.25
47	40	21.33	36	57	12.5	20	14	14	12.8	32	9.6	9.6	35.00	35.00	35.00		35.00	32	47	9.2	5.75
64	47	32.67	54	71	13.75	36.75	11.25	11.25	11.5	49	9.6	9.6	38.00	38.00	38.00		38.00	49	64	19	7.67
		16.5	19	35.5	14	16.75	12.50	12.50	14	19	15	15	60.00	40.00	40.00	40.00	40.00	19	53	12.5	5.83
47	56	32	51	61	24	47	24	19	19	38	19	19	46.00	46.00	46.00	46.00	46.00	38	61	19	19
48	56	32	52	62	25	48	25	20	20	39	20	20	48.00	48.00	48.00	48.00	48.00	39	62	20	20

Classification and Application of Scale.

X.—OFFICIAL CLASSIFICATION. Scale applies entire line Kentucky.

A.—LOCAL CLASSIFICATION (Southern modified). Scale applies all lines in Kentucky, except Louisville, Harrods Creek & Westport branch.

B.—LOCAL CLASSIFICATION (modification of Southern). All lines in Kentucky.

C.—MISSISSIPPI CLASSIFICATION (old Southern). Main line from Memphis (Horn Lake) south, via Grenada to Louisiana State line (Cayks), and from Grenada north to Tennessee State line (Michigan City).

D.—GEORGIA CLASSIFICATION (Southern modified). Standard Freight Tariff. All roads in Class A.

E.—FLORIDA CLASSIFICATION (Southern modified). Standard Tariff. All lines of Atlantic Coast Line and Seaboard Air Line in State of Florida.

F.—SOUTHERN CLASSIFICATION. Line from Cincinnati (Ludlow) to Tennessee State line.

G.—SOUTHERN CLASSIFICATION. Entire line in Kentucky. Southern Ry. Local Exception Sheet.

H.—OFFICIAL CLASSIFICATION. Line from Covington to Catlettsburg, and from Ashland to Lexington. Also applies on Big Sandy Railway.*

I.—ILLINOIS CLASSIFICATION. Standard Freight Tariff. All lines in Class A.

J.—WESTERN CLASSIFICATION. Standard Tariff, schedule "B," applying on all railroads in Missouri, south of Missouri Pacific Railway, between St. Louis and Kansas City.

K.—IOWA CLASSIFICATION (Western Classification modified). Standard Tariff. All roads in Class A.

L.—OFFICIAL CLASSIFICATION. Scale in minimum, and roads members of Association may, and do, exceed it. In Illinois (part of C. P. A. territory) there is a State Classification, which the roads must observe on local business.

NOTE.—Scales run, generally, in 5-mile stages up to 100 miles, and then in 10-mile stages. In some instances (as with Illinois Central Railroad, Florida Railroad Commission, etc.) scale runs in 10-mile stages from the beginning, resulting in repetition of figures in table. In a few cases, where scale over 100 miles is irregular, and has an occasional 5-mile stage, while table runs in 10-mile stages, the average of the two sets of figures (where they differ) is taken. This principle also applies in last three or four blocks of table, where scales of the roads, in higher distances, sometimes run in irregular stages. Illustration: C. & O. Ry., stage 110-120 miles, has 115 intervening, with lot class rate 41 and 42 cents; the average of 41.5 is taken.

Schemes of Assimilation of Southern and Official Classification.

L. & N. R. R.		C., N. O. & T. P. RY.		C. & O. RY.	
For Southern Class	Use Official Class	For Southern Class	Use Official Class	For Southern Class	Use Official Class
A	6	A	6	A	6
B	6	B	6	B	5
C	6	C	6	C	6
D	6	D	6	D	6
E	5	E	5	E	5
H	4	H	4	H	4
F .....Twice	6	F .....Twice	6	F .....Double	6
		1	1		
		2	2		
		3	3		
		Bet. 3-4	4		
		4	5		
		5	6		

*This table shows (1) drain tile and sewer pipe at the same rates, while the C. & O. Ry. applies sixth class on sewer pipe; (2) live stock rates per car, estimated weight of 20,000 pounds. It is noted the correct C. & O. rates per hundred pounds are used in arriving at these figures, but the Official Classification, applicable to traffic of the C. & O. Ry. Co. in Kentucky, shows the following minimum weights, which are uniformly applied: Cattle, 20,000 pounds. Hogs, in single deck cars, 16,000 pounds. Hogs, in double deck cars, 22,000 pounds. Horses and mules, 20,000 pounds. Sheep, in single deck cars, 14,000 pounds. Sheep, in double deck cars, 18,000 pounds per car.

CLASS RATES.

L., H. & ST. L. RY.—Rules 25 and 26 Official Classification, making percentages of reduction in second and third class rates where certain articles are subject to said rules, do not apply on traffic originating at or destined to strictly local stations, and rates obtain as given. Scale does not progress after 60 or 70 mile point, because controlled by Henderson (river competition) rates as a maximum, under long and short haul clauses of Constitution and schedule.

ILLINOIS CENTRAL.—Lettered classes have CL and LCL rating. LCL rates are shown in table. CL (24,000) rates are as follows:

DISTANCES.	A	B	C	D	E	H	F
10 miles and less	7	8	8	7	10	11	16
20 " " over 10	9	10	9	9	13	15	18
30 " " " 20	10	12	11	10	14	16	22
40 " " " 30	12	13	13	13	16	19	26
50 " " " 40	14	16	15	13	18	22	30
60 " " " 50	15	17	16	14	19	23	32
70 " " " 60	16	17	16	15	1b	24	32
80 " " " 70	17	18	17	16	20	25	34
90 " " " 80	18	19	19	16	21	26	38
100 " " " 90	19	20	19	17	22	27	38
110 " " " 100	20	21	20	18	23	28	40
120 " " " 110	20	21	20	18	23	28	40
130 " " " 120	20	22	21	18	23	29	42
140 " " " 130	20	22	21	18	23	29	42
150 " " " 140	21	23	22	19	23	29	42
160 " " " 150	21	23	23	19	23	29	46
170 " " " 160	21	23	23	19	23	21	46
180 " " " 170	Same as last figures given above.						
190 " " " 180							
200 " " " 190							
210 " " " 200							
220 " " " 210							
230 " " " 220							
240 " " " 230							
250 " " " 240							
260 " " " 250							
270 " " " 260							
280 " " " 270							

GEORGIA.—By Rule 18, where, up to 100 miles, the actual distance shipment is carried is not shown, rate for mileage given nearest approximating actual mileage applies. (Illustration: Actual mileage 47, take rate given for 45 miles; actual mileage 48, take rate for 50 miles.)

ILLINOIS.—Has no classes E, H, F.

MISSOURI AND IOWA.—Have no class 6 and no H and F.

IOWA.—Where exact distance is not given in schedule, rate for next highest distance governs. Classes 1, 2, 3 and 4 are merchandise rates, in cents per 100 pounds. Class 5, and lettered classes A, B, C, D and E are special carload classes, in cents per 100 pounds.

SPECIAL COMMODITY RATES—GENERAL NOTE.—In a number of cases, the rates quoted are so much per ton, so much per car, or otherwise different from the general plan of table, which states rates in cents per 100 pounds. In all such cases the rates have been reduced to cents per 100 pounds. For illustration, in Georgia and Florida the cement and lime rate is per ton, while the salt and lumber rates are in dollars per car. On the Chesapeake & Ohio Railway the brick rate is so much per 1,000 brick.

LIVE STOCK.—Table gives rates in dollars per car. On Southern Railway in Kentucky and C. & O. Ry. the rate is in cents per 100 pounds. Carload rates have been made on basis of 20,000 pounds minimum. Georgia and Florida tariffs do show double-deck sheep.

SASH, DOORS AND BLINDS.—Sash, LCL rate given is for glazed, in all cases. C. & O. Ry., doors are not included in LCL rate (1st class), as they take 3d class, about 50 per cent. less than sash and blind rate.

COMPARISON OF

FROM	TO	ROAD
Evansville	Major, Ky.	I. C.
Owensboro	Whitesville, Ky.	I. C.
Owensboro	Livia, Ky.	L. & N.
Owensboro	Reads, Ky.	L., H. & St. L.
Cincinnati	Richwood, Ky.	Q. & C.
Lexington	Wilmore, Ky.	Q. & C.
Versailles	Shankun, Ky.	L. & A.
Louisville	Buechel, Ky.	Southern
Louisville	Meadow Lawn. Ky.	I. C.
Hopkinsville	Thompsonville	Tenn. C.
Nashville	Newsom, Tenn.	N., C. & St. L.
Louisville	Wilson, Ind.	Monon
Evansville	Haubstadt, Ind.	E. & T. H.
Evansville	Elberfield, Ind.	E. & I.
C. & O. Local Distance Tariff		
Iowa State Com. Distance Tariff		
Evansville	Corydon, Ky.	I. C.
Louisville	West Point, Ky.	I. C.
Owensboro	Reynolds, Ky.	I. C.
Owensboro	Livermore, Ky.	L. & N.
Owensboro	Baskettes, Ky.	L., H. & St. L.
Cincinnati	Kensington, Ky.	Q. & C.
Lexington	High Bridge, Ky.	Q. & C.
Versailles	Perry, Ky.	L. & A.
Louisville	Jeffersontown, Ky.	Southern
Nashville	Pegram, Tenn.	N., C. & St. L.
Louisville	Broom Hill, Ind.	Monon
Evansville	Ft. Branch, Ind.	E. & T. H.
Evansville	Buck Skin, Ind.	E. & I.
C. & O. Local Distance Tariff		
State Com. Distance Tariff		

LOCAL RATES.

Miles	Tariff	In Cents Per Hundred Pounds												Per bbl.	In Cents Per Hundred Lbs.			
		1	2	3	4	5	6	A	B	C	D	E	H	F	I	L	M	N
15	A1005	17	15	13	11	10	9	7	10	9	9	13	13	18		9	6	5
15	A1003	22	19	16	14	12	9	11	11	9	9	13	13	18		8	6	5
15	829L	20	17	15	13	12	11	11	11	7	7	11	11	14	11	7	6	5
15	24	17	14	12	10	9	6.5											
15	8	14	12	11	9	8	7	7	9	7	7	8	9	14				
15	8	12	10	9	8	7	6	6	6	5	5	6	6	10				
15	2	20	18	16	14	12	10	10	12	8	7	12	11	16	7	8	6	4
15	4	10	9	8	7	6	5	5	6	5	5	6	6	10	5	5	4	2
15	A1002	15	12	10	8	7	6	5	5	5	5	7	6	10		5	4	4
15	15A	15	13	12	11	10	9	9	9	6	6	9	9	12		6	5	4
15	8	15	13	12	11	10	9	9	9	6	6	9	9	12		5	5	4
15	2	17	15	13	11	9	8											
15	3442	15	12	10	7	6	5											
15	3443	15	12	10	8	6	4.5											
15	20	20	16	12	9	6	4											
15		15.6	13.26	10.4	7.8	5.46		5.6	5.46	4.68	3.9	3.12						
20	A1005	24	21	17	15	14	12	10	12	11	11	15	16	22		10	7	7
20	A1002	15	12	10	8	7	6	5	5	5	5	7	6	10		5	4	4
20	A1003	26	22	18	16	14	10	13	13	11	11	15	16	22		10	7	6
20	829L	23	20	17	15	14	13	13	13	9	8	13	13	18	13	9	7	5
20	24	20	16	14	11	10	7											
20	8	14	12	11	9	8	7	7	9	7	7	8	9	14				
20	8	14	12	11	9	8	7	7	9	7	7	8	9	14				
20	2	21	19	17	15	13	11	11	13	9	8	13	12	18	7	8	6	5
19	4	15	13	12	10	9	8	8	9	6	6	9	9	12	8	6	4	4
20	8	20	16	14	13	12	11	11	11	7	7	9	9	14		6	6	5
20	2	18	16	14	12	9	8											
20	3442	20	17	13	10	7	5											
20	3443	20	17	14	10	7	5											
20	20	20	16	12	9	6	4											
20		16.4	13.94	10.94	8.2	5.74		5.8	5.74	4.92	4.1	3.25						

FROM	TO	ROAD
Evansville	Waverly, Ky.	I. C.
Louisville	Stithton, Ky.	I. C.
Owensboro	Narrows, Ky.	I. C.
Owensboro	South Carrollton, Ky.	L. & N.
Owensboro	Hawesville, Ky.	L., H. & St. L.
Cincinnati	Sherman, Ky.	Q. & C.
Lexington	Faulconer, Ky.	Q. & C.
Versailles	Whitlock, Ky.	L. & A.
Louisville	Veechdale, Ky.	Southern
Nashville	White Bluff, Tenn.	N., C. & St. L.
Louisville	Pekin, Ind.	Monon
Evansville	Mounts, Ind.	E. & T. H.
Evansville	Oakland City, Ind.	E. & I.
C. & O. Local Distance Tariff		
Iowa State Com. Distance Tariff		
Evansville	Harding, Ky.	I. C.
Louisville	Riney, Ky.	I. C.
Owensboro	Horse Branch, Ky.	I. C.
Owensboro	Bevier, Ky.	L. & N.
Owensboro	Cloverport, Ky.	L., H. & St. L.
Cincinnati	Mason, Ky.	Q. & C.
Lexington	Mason, Ky.	Q. & C.
Versailles	Richmond, Ky.	L. & A.
Louisville	Shelbyville, Ky.	Southern
Nashville	Colesburg, Tenn.	N., C. & St. L.
Louisville	Salem, Ind.	Monon
Evansville	Decker, Ind.	E. & T. H.
Evansville	Petersburg, Ind.	E. & I.
C. & O. Local Distance Tariff		
Iowa State Com. Distance Tariff		

Miles	Tariff	In Cents Per Hundred Pounds												Per bbl.	In Cents Per Hundred Lbs.			
		1	2	3	4	5	6	A	B	C	D	E	H	F	I	L	M	N
30	A1005	26	22	18	16	15	13	10	12	11	12	15	16	22		10	7	7
30	A1002	23	18	16	13	11	10	10	10	9	7	11	11	14		9	5	5
30	A1003	29	25	22	19	17	14	15	15	12	11	17	17	24		11	8	6
30	829L	29	25	22	19	18	17	17	17	11	9	17	17	22	17	11	8	6
30	24	18	16	14	12	9	7											
30	8	21	19	16	14	11	10	10	13	10	8	11	12	16				
30	8	21	19	16	14	11	10	10	13	10	8	11	12	16				
30	2	23	20	18	16	14	12	12	14	9	8	14	13	18	8	9	7	6
33	4	20	17	15	13	12	11	11	11	7	7	11	11	14	10	7	5	5
30	8	25	21	18	17	16	15	15	15	10	10	15	15	20		10	7	6
30	2	19	17	16	13	9	8											
30	3442	20	18	14	10	8	6											
30	3448	25	22	18	12	8	6.5											
30	20	22	18	14	10	7	5											
		17.6	14.96	11.73	8.8	6.16		6.2	6.16	5.28	4.4	3.52						
40	A1005	29	25	21	19	17	15	13	15	14	13	18	20	28		12	8	7
40	A1002	30	25	22	18	16	15	13	13	11	7	16	16	20		11	7	5
40	A1003	38	32	27	22	20	18	16	17	14	11	18	20	28		12	8	8
40	829L	32	27	24	21	20	19	19	19	12	9	19	19	24	19	12	8	6
40	24	18	16	14	12	9	7											
40	8	24	22	20	15	12	10	10	13	10	9	12	15	18				
40	8	24	22	20	15	12	10	10	13	10	9	12	15	18				
40	2	26	23	20	18	16	13	13	16	11	10	16	14	22	9	11	8	6
40	D310	23	20	17	15	14	13	13	13	9	8	13	13	18	13	9	5	5
40	8	30	25	22	20	19	18	17	18	12	12	18	18	24		11	8	7
40	2	23	21	19	13	9	8											
40	3442	22	20	14	11	7.5	5.5											
40	3448	25	22	18	12	8	6.5											
40	20			14	12													
40									5.64	4.7	3.76							

FROM	TO	ROAD
Evansville	Waverly, Ky.	I. C.
Louisville	Stithton, Ky.	I. C.
Owensboro	Narrows, Ky.	I. C.
Owensboro	South Carrollton, Ky.	L. & N.
Owensboro	Hawesville, Ky.	L., H. & St. L.
Cincinnati	Sherman, Ky.	Q. & C.
Lexington	Faulconer, Ky.	Q. & C.
Versailles	Whitlock, Ky.	L. & A.
Louisville	Veechdale, Ky.	Southern
Nashville	White Bluff, Tenn.	N., C. & St. L.
Louisville	Pekin, Ind.	Monon
Evansville	Mounts, Ind.	E. & T. H.
Evansville	Oakland City, Ind.	E. & I.
C. & O. Local Distance Tariff		
Iowa State Com. Distance Tariff		
Evansville	Harding, Ky.	I. C.
Louisville	Riney, Ky.	I. C.
Owensboro	Horse Branch, Ky.	I. C.
Owensboro	Bevier, Ky.	L. & N.
Owensboro	Cloverport, Ky.	L., H. & St. L.
Cincinnati	Mason, Ky.	Q. & C.
Lexington	Mason, Ky.	Q. & C.
Versailles	Richmond, Ky.	L. & A.
Louisville	Shelbyville, Ky.	Southern
Nashville	Colesburg, Tenn.	N., C. & St. L.
Louisville	Salem, Ind.	Monon
Evansville	Decker, Ind.	E. & T. H.
Evansville	Petersburg, Ind.	E. & I.
C. & O. Local Distance Tariff		
Iowa State Com. Distance Tariff		

Miles	Tariff	In Cents Per Hundred Pounds												Per bbl.	In Cents Per Hundred Lbs.			
		1	2	3	4	5	6	A	B	C	D	E	H	F	I	L	M	N
30	A1005	26	22	18	16	15	13	10	12	11	12	15	16	22		10	7	7
30	A1002	23	18	16	13	11	10	10	10	9	7	11	11	14		9	5	5
30	A1003	29	25	22	19	17	14	15	15	12	11	17	17	24		11	8	6
30	829L	29	25	22	19	18	17	17	17	11	9	17	17	22	17	11	8	6
30	24	18	16	14	12	9	7											
30	8	21	19	16	14	11	10	10	13	10	8	11	12	16				
30	8	21	19	16	14	11	10	10	13	10	8	11	12	16				
30	2	23	20	18	16	14	12	12	14	9	8	14	13	18	8	9	7	6
33	4	20	17	15	13	12	11	11	11	7	7	11	11	14	10	7	5	5
30	8	25	21	18	17	16	15	15	15	10	10	15	15	20		10	7	6
30	2	19	17	16	13	9	8											
30	3442	20	18	14	10	8	6											
30	3448	25	22	18	12	8	6.5											
30	20	22	18	14	10	7	5											
		17.6	14.96	11.73	8.8	6.16		6.2	6.16	5.28	4.4	3.52						
40	A1005	29	25	21	19	17	15	13	15	14	13	18	20	28		12	8	7
40	A1002	30	25	22	18	16	15	13	13	11	7	16	16	20		11	7	5
40	A1003	38	32	27	22	20	18	16	17	14	11	18	20	28		12	8	8
40	829L	32	27	24	21	20	19	19	19	12	9	19	19	24	19	12	8	6
40	24	18	16	14	12	9	7											
40	8	24	22	20	15	12	10	10	13	10	9	12	15	18				
40	8	24	22	20	15	12	10	10	13	10	9	12	15	18				
40	2	26	23	20	18	16	13	13	16	11	10	16	14	22	9	11	8	6
40	D310	23	20	17	15	14	13	13	13	9	8	13	13	18	13	9	5	5
40	8	30	25	22	20	19	18	17	18	12	12	18	18	24		11	8	7
40	2	23	21	19	13	9	8											
40	3442	22	20	14	11	7.5	5.5											
40	3448	25	22	18	12	8	6.5											
40	20	24	20	16	12	8	6											
40		18.8	15 98	12.5	9.4	6.58	6.6	6.58	5.64	4.7	3.76							

FROM	TO	ROAD
Evansville	Dekoven, Ky.	I. C.
Louisville	Hansbrough, Ky.	I. C.
Owensboro	Spring Lick, Ky.	I. C.
Owensboro	Penrod, Ky.	L. & N.
Owensboro	Sample, Ky.	L., H. & St. L.
Cincinnati	Hinton, Ky.	Q. & C.
Lexington	McKinney, Ky.	Q. & C.
Versailles	Brassfield, Ky.	L. & A.
Louisville	Waddy, Ky.	Southern
Nashville	Tenn. City, Tenn.	N., C. & St. L.
Louisville	Campbellsburg, Ind.	Monon
Evansville	Solitude, Ind.	E. & T. H.
Evansville	Jacobs, Ind.	E. & I.
C. & O. Local Distance Tariff		
Iowa State Com. Distance Tariff		
Louisville	Sullivan, Ky.	I. C.
Evansville	Summit, Ky.	I. C.
Owensboro	Millwood, Ky.	I. C.
Owensboro	Lewisburg, Ky.	L. & N.
Owensboro	Webster, Ky.	L., H. & St. L.
Cincinnati	Rogers Gap, Ky.	Q. & C.
Lexington	Waynesburg, Ky.	Q. & C.
Versailles	West Irvine, Ky.	L. & A.
Louisville	Lawrenceburg, Ky.	Southern
Nashville	Gorman, Tenn.	N., C. & St. L.
Louisville	Orleans, Ind.	Monon
Evansville	Gravel Pit, Ind.	E. & T. H.
Evansville	Hawkins, Ind.	E. & I.
C. & O. Local Distance Tariff		
Iowa State Com. Distance Tariff		

Miles	Tariff	In Cents Per Hundred Pounds												Per bbl.	In Cents Per Hundred Lbs.			
		1	2	3	4	5	6	A	B	C	D	E	H	F	I	L	M	N
50	A1005	29	25	21	19	17	15	13	15	14	13	18	20	28		12	8	7
50	A1002	32	26	23	19	17	16	16	16	12	7	19	19	24		12	8	6
50	A1003	42	36	31	26	23	20	17	18	15	12	20	23	30		15	8	8
50	829L	39	34	30	26	25	23	23	23	15	11	23	23	30	23	15	10	7
50	24	25	23	20	16	13	10											
50	8	25	24	21	15	13	10	10	13	10	10	13	15	20				
50	8	25	24	21	15	13	10	10	13	10	10	13	15	20				
50	2	29	26	23	20	17	15	15	17	12	11	17	16	24	10	12	9	7
50	4	26	23	20	17	16	15	15	15	12	10	15	15	20	10	12	7	6
50	8	32	27	24	22	21	20	17	20	13	13	20	20	26		13	8	8
50	2	25	22	20	13	9	8											
50	3442	23	20	16	12	9	7											
50	3448	25	22	18	12	8	6.5											
50	20	28	22	18	13	10	6											
50		20	17	13.34	10	7		7.05	7	6	5	4						
60	A1005	31	27	23	21	19	16	13	15	14	13	18	20	28		13	9	7
60	A1002	41	35	31	28	26	21	17	18	15	12	21	26	30		16	8	8
60	A1003	45	39	34	29	25	21	17	18	15	12	21	26	30		17	8	8
60	829L	43	37	33	30	27	25	25	25	17	12	25	25	34	25	17	12	8
60	24	25	24	20	17	13	11											
60	8	26	25	21	15	13	10	10	13	10	10	13	15	20				
60	8	26	25	21	15	13	10	10	13	10	10	13	15	20				
60	2	32	29	26	22	19	16	16	19	14	13	19	18	28	11	14	10	7
63	4	28	25	22	20	18	15	15	16	12	10	15	15	20	10	12	8	7
60	8	35	30	27	25	24	21	17	21	13	13	21	21	26		15	9	9
60	2	25	22	20	13	9	8											
60	3442	25	22	18	12	8	6.5											
60	3448	25	22	18	12	8	6.5											
60	20	32	26	20	14	11	6.5											
60		20.8	17.68	13.87	10.4	7.28		7.4	7.28	6.24	5.2	4.16						

FROM	TO	ROAD
Evansville	Repton, Ky.	I. C.
Louisville	Leitchfield, Ky.	I. C.
Owensboro	Grayson Springs, Ky.	I. C.
Owensboro	Russellville, Ky.	L. & N.
Owensboro	Guston, Ky.	L., H. & St. L.
Cincinnati	Georgetown, Ky.	Q. & C.
Lexington	Pulaski, Ky.	Q. & C.
Versailles	K. N. Junction, Ky.	L. & A.
Louisville	Milner, Ky.	Southern
Nashville	Box, Tenn.	N., C. & St. L.
Louisville	Yocky, Ind.	Monon
Evansville	Carlisle, Ind.	E. & T. H.
Evansville	Plainsville, Ind.	E. & I.
C. & O. Local Distance Tariff		C. & O.
Iowa State Com. Distance Tariff		
Evansville	Annora, Ky.	I. C.
Louisville	Campbells, Ky.	I. C.
Owensboro	Luzerne, Ky.	I. C.
Owensboro	Olmstead, Ky.	L. & N.
Owensboro	Long Branch, Ky.	L., H. & St. L.
Cincinnati	Hillemeyer, Ky.	Q. & C.
Lexington	Somerset, Ky.	Q. & C.
Versailles	Evelyn, Ky.	L. & A.
Louisville	Elk Chester, Ky.	Southern
Nashville	Eva, Tenn.	N., C. & St. L.
Louisville	Bedford, Ind.	Monon
Evansville	Sullivan, Ind.	E. & T. H.
Evansville	Newberry, Ind.	E. & I.
C. & O. Local Distance Tariff		C. & O.
Iowa State Com. Distance Tariff		

Miles	Tariff	In Cents Per Hundred Pounds												Per bbl.	In Cents Per Hundred Lbs.			
		1	2	3	4	5	6	A	B	C	D	E	H	F	I	L	M	N
70	A1205	37	32	27	24	21	18	15	17	16	13	20	23	32		15	9	8
70	A1202	47	41	36	31	27	22	18	19	16	13	22	27	32		18	9	9
70	A1203	47	41	36	31	27	22	18	19	16	13	22	27	32		18	9	9
70	829L	47	41	36	32	29	27	27	27	18	13	27	27	36	25	18	13	9
70	24	25	24	20	17	13	11											
70	8	26	25	21	15	13	10	10	13	10	10	13	15	20	10	10	7	6
70	8	26	25	21	15	13	10	10	13	14	12	13	15	28				
70	2	35	32	28	25	21	18	18	21	15	14	21	19	30	12	15	10	8
69	4	28	25	22	20	18	15	15	16	12	10	15	15	20	15	12	8	7
70	8	36	31	29	26	24	21	17	21	13	13	21	21	26		15	9	9
70	2	26	23	20.5	13.5	10.5	9											
70	3442	25	22	18	12	8	6.5											
70	3448	25	22	18	12	8	6.5											
70	20	34	28	22	15	12	7											
70		21.6	18.36	14.4	10.8	7.56		7.8	7.56	6.48	5.4	4.32						
80	A1205	40	34	31	26	24	21	17	19	17	13	22	24	34		15	10	9
80	A1202	50	43	38	33	29	24	19	20	17	14	23	29	34		19	10	10
80	A1203	45	37	31	26	22	19	17	19	15	12	20	23	30		15	10	9
79	829L*	49	42	37	33	30	28	28	28	18	14	28	28	36	25	19	14	9
80	24	25	24	20	17	14	12											
80	8	28	25	21	15	13	10	10	13	10	10	13	15	20				
80	8	28	25	21	15	13	10	10	13	15	12	13	15	28				
80	2	37	33	30	26	22	19	19	22	16	15	22	20	32	13	16	11	9
80	4	28	25	22	20	18	15	15	16	12	10	15	15	20	15	12	8	7
80	8	38	32	30	27	24	21	17	21	13	13	21	21	26		17	9	9
80	2	26	23	20.5	13.5	10.5	9											
80	3442	25	22	18	12	8	6.5											
80	3442	25	22	19.5	12.5	9.5	8											
80	20	36	30	23	16	13	8											
80		22.4	19.04	14.94	1..2	7.84		8.2	7.84	6.72	5.6	4.48						

*Ferguson Rates same distance, 79 miles.

Some Comparisons of Gross and Net Earnings.

	Gross Revenue Per Mile	Per Cent of Increase or Decrease	Net Revenue Per Mile	Per Cent of Increase or Decrease	Per Cent of Net to Gross
As Compared with—					
LOUISVILLE & NASHVILLE RAILROAD	$11,861.00		$3,906.00		32.93
Illinois Central R. R. is	10,210.00	—13.92	2,552.00	—34.66	24.99
State of Kentucky is	10,104.00	—14.81	2,946.00	—24.57	29.15
State of Illinois is	10,986.00	— 7.37	3,378.00	—13.51	21.64
State of Iowa is	5,852.00	—50.66	1,530.00	—60.83	26.14
State of Missouri is*	7,181.00	—39.45	2,295.00	—41.24	31.96
Group 5 I. C. C. is	6,569.00	—44.61	1,978.00	—49.36	30.11
Group 6 I. C. C. is	7,849.00	—33.82	2,926.00	—25.09	37.28
State of Alabama is	5,079.83		1,245.44		
State of Georgia is	5,033.80		1,502.57		
State of Texas is	5,744.50		1,006.21		
As Compared with—					
ILLINOIS CENTRAL RAILROAD	$10,210.00		$2,552.00		
Louisville & Nashville R. R. is	11,861.00	+16.17	3,906.00	+64.81	
State of Kentucky is	10,104.00	— 1.04	2,946.00	+11.52	
State of Illinois is	10,986.00	+ 7.60	3,378.00	+32.36	
State of Iowa is	5,852.00	—42.68	1,530.00	—40.04	
State of Missouri is*	7,181.00	—29.66	2,295.00	—10.07	
Group 5 I. C. C. is	6,569.00	—35.66	1,978.00	—22.49	
Group 6 I. C. C. is	7,849.00	—23.12	2,926.00	+14.65	
State of Alabama is	5,079.83		1,245.44		
State of Georgia is	5,033.80		1,502.57		
State of Texas is	5,744.50		1,006.21		

Some Comparisons of Gross and Net Earnings—Continued.

	Gross Revenue Per Mile	Per Cent of Increase or Decrease	Net Revenue Per Mile	Per Cent of Increase or Decrease	Per Cent of Net to Gross
As Compared with—					
STATE OF KENTUCKY	$10,104.00		$2,946.00		
Louisville & Nashville R. R. is	11,861.00	+17.39	3,906.00	+32.59	
Illinois Central R. R. is	10,210.00	+ 1.05	2,552.00	—13.37	
State of Illinois is	10,986.00	+ 8.73	3,378.00	+14.66	
State of Iowa is	5,852.00	—42.08	1,530.00	—48.06	
State of Missouri is*	7,181.00	—28.92	2,295.00	—22.09	
Group 5 I. C. C. is	6,569.00	—34.98	1,978.00	—32.85	
Group 6 I. C. C. is	7,849.00	—22.31	2,926.00	— 0.68	
State of Alabama is	5,079.83		1,245.44		
State of Georgia is	5,033.80		1,502.57		
State of Texas is	5,744.50		1,006.21		
State of Mississippi is	6,821.00				

*Figures for Missouri are the average for entire mileage (47,533) of roads doing business in the State.

DISTANCE TABLE RATES.

Comparison of L. & N. and Illinois Central in Kentucky, Rock Island in Iowa* and Illinois† and Chicago & Northwestern in Iowa‡ and Illinois+.

Miles	Roads	CLASSES				
		1	2	3	4	5
15	L. & N.	15	13	12	11	10
	I. C.	31	26	21	19	17
12	R. I.—Ia.	15.6	13.26	10.04	7.8	5.46
11	R. I.—Ill.	16.92	15.04	13.16	9.40	7.52
14	C. & N.—Ia.	15.6	13.26	10.4	7.8	5.46
12	C. & N.—Ill.	16.92	15.04	13.16	9.40	7.52
25	L. & N.	23	20	17	15	14
	I. C.	37	31	25	22	19
25	R. I.—Ia.	17	14.45	11.34	8.08	5.95
22	R. I.—Ill.	20.68	18.80	15.04	11.28	9.02
24	C. & N.—Ia.	17	14.45	11.34	8.5	5.95
22	C. & N.—Ill.	20.68	18.80	15.04	11.28	9.02
35	L. & N.	29	25	22	19	18
	I. C.	41	34	28	25	22
38	R. I.—Ia.	18.8	19.98	12.5	9.4	6.56
35	R. I.—Ill.	24.44	20.68	16.92	12.69	10.15
34	C. & N.—Ia.	18.2	15.47	12.1	9.1	6.37
32	C. & N.—Ill.	24.44	20.68	16.92	12.60	10.15
45	L. & N.	35	30	27	23	22
	I. C.	45	38	31	28	25
44	R. I.—Ia.	19.4	16.49	13	9.7	6.79
44	R. I.—Ill.	28.20	22.56	18.80	13.63	10.90
46	C. & N.—Ia.	20	17	13.34	10	7
48	C. & N.—Ill.	29.14	23.50	19.74	14.01	11.28

Miles	Roads	CLASSES				
		1	2	3	4	5
55	L. & N.	39	34	30	26	25
	I. C.	49	41	35	31	27
57	R. I.—Ia.	20.4	17.34	13.6	10.2	7.14
54	R. I.—Ill.	31.02	25.38	21.62	15.04	12.03
57	C. & N.—Ia.	20.8	17.68	13.87	10.4	7.28
57	C. & N.—Ill.	31.02	25.38	21.62	15.04	12.03
65	L. & N.	43	37	33	30	27
	I. C.	53	44	36	32	28
69	R. I.—Ia.	21.6	18.36	14.4	10.8	7.56
67	R. I.—Ill.	32.90	27.26	23.03	15.98	12.78
72	C. & N.—Ia.	22	18.7	14.67	11	7.7
72	C. & N.—Ill.	33.84	28.20	23.50	16 45	13.16
80	L. & N.	49	42	37	33	30
	I. C.	55	46	37	33	30
79	R. I.—Ia.	22.4	19.04	14.94	11.2	7.84
81	R. I.—Ill.	35.72	29.61	24.06	17.39	13.91
81	C. & N.—Ia.	22.8	19.38	15.2	11.4	7.98
85	C. & N.—Ill.	35.72	29.61	24.06	17.39	13.91
95	L. & N.	54	46	41	36	32
	I. C.	60	50	41	36	32
97	R. I.—Ia.	24	20.4	16	12	8.4
96	R. I.—Ill.	38.54	31.02	24.90	18.80	15.04
96	C. & N.—Ia.	24	20.4	16	12	8.4
95	C. & N.—Ill.	37.60	30.55	24.62	18.33	14.66

Miles	Roads	CLASSES				
		1	2	3	4	5
110	L. & N.	56	48	43	38	33
	I. C.	61	51	42	37	33
111	R. I.—Ia.	26.4	21.87	17.05	12.99	9.27
109	R. I.—Ill.	40.42	31.96	25.47	19.55	15.64
110	C. & N.—Ia.	25.6	21.38	16.7	12.66	8.98
106	C. & N.—Ill.	40.42	31.96	25.47	19.57	15.64
130	L. & N.	60	52	46	41	36
	I. C.	64	53	43	38	34
131	R. I.—Ia.	29.6	23.83	18.45	14.31	10.43
151	R. I. —Ill.	45.59	36.09	28.01	22.74	18.19
122	C. & N.—Ia.	28	22.85	17.75	13.69	9.85
116	C. & N.—Ill.	42.30	32.90	26.03	20.30	16.24
150	L. & N.	64	55	49	44	39
	I. C.	66	56	45	41	36
152	R. I.—Ia.	32.8	25.79	19.85	15.63	11.59
165	R. I.—Ill.	46.43	36.84	28.57	23.12	18.49
132	C. & N.—Ia.	29.6	23.83	18.45	14.31	10.43
126	C. & N.—Ill.	43.24	33.84	26.60	21.05	16.84
160	L. & N.	66	57	50	45	40
	I. C.	66	57	46	42	37
164	R. I.—Ia.	34.4	26.77	20.55	16.29	12.17
181	R. I.—Ill.	47.94	38.35	29.70	23.87	19.10
139	C. & N.—Ia.	30.4	24.32	18.8	14.64	10.72
136	C. & N.—Ill.	44.18	34.78	27.16	21.80	17.44

*From Davenport to Des Moines, Iowa, and intermediate stations.
†From Rock Island to Chicago, Ill., and intermediate stations.
‡From Clinton to Montour, Iowa, and intermediate stations.
+From Fulton to Chicago, Ill., and intermediate stations.

DISTANCE TABLE RATES.

Comparison of Illinois, Iowa and Indiana local rates with L. & N., L., H. & St. L., C., N. O. & T. P., Southern Railway and I. C. in Kentucky. The rates in Ohio and Michigan being practically the same as Indiana.

States and Roads	Miles	CLASSES					Total of Classes
		1	2	3	4	5	
Illinois	10	15.04	13.16	11.28	8.46	6.76	54.70
Iowa	10	14.8	12.58	10.1	7.4	.....	.....
Indiana	10	7.5	7.5	7	6	4.5	32.5
L. & N. (Ky.)	10	12	10	9	8	7	46
I. C. (Ky.)	10	25	21	17	15	13	91
L., H. & St. L.	10	12	10	9	7	6	44
C., N. O. & T. P.	10	10	9	8	7	7	41
Sou. in Ky.	10	10	9	8	7	6	40
Illinois	20	18.80	16.92	14.10	10.34	8.27	68.43
Iowa	20	16.4	13.94	10.94	8.2	.....	.....
Indiana	20	7.5	7.5	7.5	7	5	34.5
L. & N. (Ky.)	20	20	17	15	13	12	77
I. C. (Ky.)	20	31	26	21	19	17	114
L., H. & St. L.	20	17	14	12	10	9	62
C., N. O. & T. P.	20	14	12	11	9	8	54
Sou. in Ky.	20	18	16	14	12	11	71
Illinois	50	29.14	23.50	19.74	14.10	11.28	97.76
Iowa	50	20	17	13.34	10	.....	.....
Indiana	50	12	11.5	10.5	8.5	7.5	50
L. & N. (Ky.)	50	37	32	28	25	24	146
I. C. (Ky.)	50	46	38	31	28	25	167
L., H. & St. L.	50	24	21	19	15	13	92
C., N. O & T. P.	50	25	24	21	15	13	98
Sou. in Ky.	50	26	23	20	17	16	102

States and Roads	Miles	CLASSES					Total of Classes
		1	2	3	4	5	
Illinois	75	33.84	28.20	23.50	16.45	13.16	115.15
Iowa	75	22	18.7	14.67	11	.....	.....
Indiana	75	18	16	10	10.5	8	62.5
L. & N. (Ky.)	75	47	41	36	32	29	185
I. C. (Ky.)	75	55	46	37	33	30	201
L., H. & St. L.	75	25	24	20	17	13	99
C., N. O. & T. P.	75	28	25	21	15	13	102
Sou. in Ky.	75	34	30	26	23	21	134
Illinois	100	38.54	31.02	24.90	18.80	15.04	128.30
Iowa	100	24	20.4	16	12	.....	.....
Indiana	100	24	22	19	12.5	9	86.5
L. & N. (Ky.)	100	55	47	42	37	32	213
I. C. (Ky.)	100	60	50	41	36	32	219
L., H. & St. L.	100	25	24	20	17	15	100
C., N. O. & T. P.	100	28	27	24	18	16	113
Sou. in Ky.	100	34	30	26	23	21	134
Illinois	150	45.12	35.72	27.72	22.56	18.04	149.16
Iowa	150	32	25.3	19.5	15.3	.....	.....
Indiana	150	28.5	25	20	13.5	10.5	97.5
L. & N. (Ky.)	150	64	55	49	44	39	251
I. C. (Ky.)	150	66	56	45	41	36	244
L., H. & St. L.	150	25	24	20	17	15	101
C., N. O. & T. P.	150	49	40	37	29	25	180

States and Roads	Miles	CLASSES					Total of Classes
		1	2	3	4	5	
Illinois	200	48.88	39.48	30.54	24.44	19.55	162.89
Iowa	200	40	30.2	23	18.6	.....	.....
Indiana	200	33	28.5	22	15	12	110.5
L. & N. (Ky.).....	200	74	64	55	50	45	288
I. C. (Ky.).....	200	72	63	52	48	42	277
C., N. O. & T. P.	200	61	51	74	36	32	254
Illinois	250	52.17	42.30	32.90	26.32	21.05	174.74
Iowa	250	48	35.1	26.5	21.8	.....	.....
Indiana	250	37	32	32.5	16	13.5	131
L. & N. (Ky.).....	250	84	72	60	55	50	321
I. C. (Ky.).....	250	82	72	59	54	48	315
Illinois	300	55.46	45.12	35.25	28.20	22.56	196.59
Iowa	300	56	40	30	25	.....	.....
Indiana	300	40	34	25	17	14.5	130.5

Appendix "E"

Laws of Kentucky Defining the Powers and Duties of the

RAILROAD COMMISSION.

Constitutional Provisions.

Extracts from the Constitution Relating to Railroads.

RAILROADS AND COMMERCE.

§ 209. A commission is hereby established, to be known as "The Railroad Commission," which shall be composed of three commissioners. During the session of the General Assembly, which convenes in December, eighteen hundred and ninety-one, and before the first day of June, eighteen hundred and ninety-two, the Governor shall appoint, by and with the advice and consent of the Senate, said three commissioners, one from each superior court district, as now established, and said appointees shall take their office at the expiration of the terms of the present incumbents. The commissioners so appointed shall continue in office during the present term of the present Governor, and until their successors are elected and qualified. At the regular election in eighteen hundred and ninety-five, and every four years thereafter, the commissioners shall be elected, one in each superior court district, by the qualified voters thereof, at the same time and for the same term as the Governor. No person shall be eligible to said office unless he be, at the time of his election, at least thirty years of age, a citizen of Kentucky two years, and a resident of the district from which he is chosen one year next preceding his election. Any vacancy in this office shall be filled as provided in section one hundred and fifty-two of this Constitution. The General Assembly may, from time to time, change said districts so as to equalize the population thereof; and may, if deemed expedient, require that the commissioners be all elected by the qualified voters of the State at large. And if so required, one commissioner shall be from each district. No person in the service of any railroad or common carrier company, or corporation, or of any firm or

association conducting business as a common carrier, or in any wise pecuniarily interested in such company, corporation, firm or association, or in the railroad business, or as a common carrier, shall hold such office. The powers and duties of the railroad commissioners shall be regulated by law, and until otherwise provided by law the Commission so created shall have the same powers and jurisdiction, perform the same duties, be subject to the same regulations, and receive the same compensation as now conferred, prescribed and allowed by law to the existing railroad commissioners. The General Assembly may, for cause, address any of said commissioners out of office by similar proceedings as in the case of judges of the Court of Appeals; and the General Assembly shall enact laws to prevent the nonfeasance and misfeasance in office of said commissioners, and to impose proper penalties therefor.

§ 210. No corporation engaged in the business of common carrier shall, directly or indirectly, own, manage, operate or engage in any other business than that of a common carrier, or hold, own, lease or acquire directly or indirectly, mines, factories or timber, except such as shall be necessary to carry on its business; and the General Assembly shall enact laws to give effect to the provisions of this section.

§ 211. No railroad corporations organized under the laws of any other State, or of the United States, and doing business, or proposing to do business, in this State, shall be entitled to the benefit of the right of eminent domain, or have power to acquire the right of way or real estate for depot or other uses, until it shall have become a body-corporate, pursuant to and in accordance with the laws of this Commonwealth. (22 R., 934.)

§ 212. The rolling stock and other movable property belonging to any railroad corporation or company in this State shall be considered personal property and shall be liable to execution and sale in the same manner as the personal property of individuals. The earnings of any railroad company or corporation, and choses in action, money and personal property of all kinds belonging to it, in the hands or under the control of any officer, agent or employe of such corporation or company, shall be subject to process of attachment to the same extent and in the same manner as like property of individuals

when in the hands or under the control of other persons. Any such earnings, choses in action, money or other personal property may be subjected to the payment of any judgment against such corporation or company, in the same manner and the same extent as such property of individuals in the hands of third persons.

§ 213. All railroad, transfer, belt lines and railway bridge companies, organized under the laws of Kentucky, or operating, maintaining or controlling any railroad, transfer, belt lines or bridges, or doing a railway business in this State, shall receive, transfer, deliver and switch empty or loaded cars, and shall move, transport, receive, load or unload all the freight in car loads or less quantities, coming to or going from any railroad, transfer, belt line, bridge, or siding thereon, with equal promptness and dispatch, and without any discrimination as to charges, preference, drawbacks, or rebate in favor of any person, corporation, consignee or consignor, in any matter as to payment, transportation, handling or delivery; and shall so receive, deliver, transfer and transport all freight as above set forth, from and to any point where there is a physical connection between the tracks of said companies. But this section shall not be construed as requiring any such common carriers to allow the use of its tracks for the trains of another engaged in like business. (95 Ky., 199; 15 R., 548.)

§ 214. No railway, transfer, belt line or railway bridge company shall make any exclusive or preferential contract or arrangement with any individual, association or corporation, for the receipt, transfer, delivery, transportation, handling, care or custody of any freight, or for the conduct of any business as a common carrier.

§ 215. All railway, transfer, belt lines or railway bridge companies shall receive, load, unload, transport, haul, deliver and handle freight of the same class for all persons, associations or corporations from and to the same points and upon the same conditions in the same manner and for the same charges, and for the same method of payment.

§ 216. All railway, transfer, belt lines and railway bridge companies shall allow the tracks of each other to unite, intersect and cross at any point where such union, intersection and crossing is reasonable or feasible.

§ 217. Any person, association or corporation, willfully or knowingly violating any of the provisions of sections two hundred and thirteen, two hundred and fourteen, two hundred and fifteen or two hundred and sixteen, shall upon conviction by a court of competent jurisdiction, for the first offense, be fined two thousand dollars; for the second offense, five thousand dollars, and for the third offense, shall thereupon, *ipso facto,* forfeit its franchises, privileges or charter rights; and if such delinquent be a foreign corporation, it shall, *ipso facto,* forfeit its rights to do business in this State; and the Attorney General of the Commonwealth shall forthwith, upon notice of the violation of any of said provisions, institute proceedings to enforce the provisions of the aforesaid sections.

§ 218. It shall be unlawful for any person or corporation, owning or operating a railroad in this State, or any common carrier, to charge or receive any greater compensation in the aggregate for the transportation of passengers, or of property of like kind, under substantially similar circumstances and conditions, for a shorter than for for a longer distance over the same line, in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any common carrier, or person, or corporation, owning or operating a railroad in this State, to receive as great compensation for a shorter as for a longer distance. Provided, That upon application to the Railroad Commission, such common carrier, or person, or corporation owning or operating a railroad in this State, may, in special cases, after investigation by the Commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the Commission may, from time to time, prescribe the extent to which such common carrier, or person or corporation, owning or operating a railroad in this State, may be relieved from the operations of this section. (51 S. W. Rep., 164, 1012; 23 R., 1382; Id., 479, 544, 453; 20 R., 1099; 24 R., 509, 1779, 1883, 1887; 103 U. S., 503.)

GENERAL PROVISIONS.

§ 54. The General Assembly shall have no power to limit the amount to be recovered for injuries resulting in death, or from injuries to person or property.

§ 241. Whenever the death of a person shall result from an injury inflicted by negligence or wrongful act, then, in every such case, damages may be recovered for such death, from the corporations and persons so causing the same. Until otherwise provided by law, the action to recover such damages shall, in all cases be prosecuted by the personal representative of the deceased person. The General Assembly may provide how the recovery shall go and to whom belong; and until such provision is made the same shall form part of the personal estate of the deceased person.

§ 242. Municipal and other corporations, and individuals invested with the privilege of taking private property for public use, shall make just compensation for property taken, injured or destroyed by them; which compensation shall be paid before such taking, or paid or secured at the election of such corporation or individual, before such injury or destruction. The General Assembly shall not deprive any person of an appeal from any preliminary assessment of damages against any such corporations or individual made by commissioners or otherwise, and upon appeal from such preliminary assessment, the amount of such damages shall, in all cases, be determined by a jury according to the course of the common law. (19 R., 1450; 102 Ky., 402; 21 R., 894, 1028; 22 R., 654, 663; 16 R., 853; 24 R., 1260, 1495.)

§ 244. All wage-earners in the State employed in factories, mines, workshops, or by corporations, shall be paid for their labor in lawful money. The General Assembly shall prescribe adequate penalties for violations of this section. (20 R., 1211; 22 R., 559.)

KENTUCKY STATUTES.

GENERAL PROVISIONS.

§ 555. Any two or more corporations organized under this chapter, or the laws of this or any other State, may consolidate into a single corporation; the directors or a majority of them, of such corporations as desire to consolidate may enter into an agreement signed by them, prescribing the terms and conditions of consolidation, the mode of carrying the same into effect and stating such other facts as are necessary to be set out in articles of incorporation as herein provided, except the facts required by subdivision five, section two, hereof, as well as the manner of converting shares of the old corporation into the new, with such other details and provisions as are deemed necessary. Provided, that such consolidated corporations shall become and be a domestic corporation of this Commonwealth for all purposes, and shall be subject to the jurisdiction of the courts of this State and to all laws of this State regulating corporations organized thereunder, and their law shall not be construed as altering or repealing any law regulating the taxation of brodges over streams forming the boundary line of this State.

Written notice of the intention to consolidate shall be mailed to the address of each stockholder of each corporation at least twenty days previous to entering into such agreement, and such notice shall be published at least two weeks in some newspaper printed and circulated in the county of its principal place of business, and the written consent of the owners of at least two-thirds of the capital stock of each corporation shall be necessary to the validity of such agreement.

§ 556. When the agreement is signed, acknowledged and recorded in the same maner as articles of incorporation are required to be, the separate existence of the constituent corporations shall cease and the consolidated corporations shall become a single corporation in accordance with the said agree-

ment and subject to all the provisions of this chapter and other laws relating to it, and shall be vested with all the rights, privileges, franchises, exemptions, property, business, credits, assets and effects of the constituent corporations without deed or transfer and shall be bound for all their contracts and liabilities; Provided, that no consolidated company formed under this chapter, or the laws of this State, shall be required to pay any organization tax, except that, if in the consolidation the capital stock of the consolidated company be increased, or be thereafter increased to an amount exceeding the aggre gate capital stock of the constituent companies at the time of the consolidation, then in that event the consolidated company shall not have or exercise any corporate powers until it shall have paid into the State treasury one-tenth of one per centum upon the amount of said increase, and upon such payment shall have filed a statement thereof with the Secretary of State; if, however, any corporation, hereafter formed in another State where no organization tax was required to be paid by it, shall be consolidated with one formed in this State, then the organization tax required by the laws of this State shall be paid upon so much of the capital stock of the consolidated corporation as shall be equal to the capital stock of the foreign constituent corporation; or if such foreign corporation hereafter formed may have been required by the laws of its State to pay an organization tax less than that then required to be paid in this State, then upon such consolidation with a corporation of this State, an organization tax shall be paid equal to the difference between that required of such foreign corporation in the State of its creation and that which would have been required had it been formed in this State.

ARTICLE V. RAILROADS.

SUBDIVISION I. Railroad companies, organization of.
SUBDIVISION II. General provision concerning.
SUBDIVISION III. Railroad Commission.
SUBDIVISION IV. Condemnation of land by.

SUBDIVISION I. RAILROAD COMPANIES, ORGANIZATION OF.

§ 763. Any number of persons, not less than seven, may associate to form a corporation for the purpose of constructing, operating and maintaining a railroad. Such persons shall execute articles of incorporation, which shall specify the name of the proposed railroad, and number of years the corporation is to continue, the amount of its capital stock, and the number of shares into which the same shall be divided; the number of directors, which shall be not less than five, nor more than fifteen, and their names; the places from and to which, and the name of each county into or through which it is intended to be constructed, and its length as near as may be. Each subscriber to such articles shall set opposite his name, his place of residence, and the number of shares subscribed by him. Whenever two hundred and fifty dollars per mile has, in good faith, been subscribed, and twenty per cent. thereof paid in cash, to the persons named in the articles as directors, and an affidavit made to that effect by two of said named directors and attached thereto, a copy of said articles and affidavit shall be filed in the office of the railroad commissioners and in the office of the Secretary of State, and when a certificate of such fact is delivered by the said officers to the incorporators, the persons who have subscribed such articles shall be a body corporate by the name specified in the articles, and as such may sue and be sued, contract and be contracted with, have a seal, and change the same at pleasure; may elect or appoint directors, who shall choose from their number such officers as may be necessary; may require from any officer or employe a bond for the faithful discharge of his duties, and prescribe such by-

laws for its government, and exercise such powers as are necessary to the conduct of its business not inconsistent with law.

§ 764. The articles of incorporation may be amended and changed in the manner provided in article one of this chapter; and a copy of any amendment or alteration attested by the president and secretary of the corporation, shall be filed in the office of the railroad commissioners and the Secretary of State within thirty days after its adoption by the corporation; and when so filed and a certificate of that fact is delivered to the president or secretary, the corporation shall have the right to make such alterations and changes in its business as are authorized by the amended articles.

§ 765. No railroad corporation organized or created by or under the laws of any other State, shall have the right to condemn land for, or acquire the right of way for, or purchase or hold land for its depots, tracks, or other purposes, until it shall have first filed in the office of the Secretary of State of this State, in the manner provided in the first article of this chapter, its acceptance of the Constitution of this State, and shall have become organized as a corporation under the laws of this State, which it may do by filing in the office of the Secretary of State and the Railroad Commission, articles of incorporation in the manner and form provided in section 182 of this article.

§ 766. A copy of any articles of incorporation, or any amendments thereto, filed in the offices mentioned, and certified by the Secretary of State, shall be admitted as evidence for or against the corporation, and shall be *prima facie* evidence of the matters therein stated.

§ 767. Every corporation proceeding to construct its road in or through any county shall file and have recorded at its expense in the county clerk's office of such county, a map of the route, showing the center of said proposed road, and width thereof; and if, after a road is located, it is desired to change its location, or the proposed route is changed, as it may be, a map showing such change as well as the center and width thereof, shall be filed and recorded at its expense in the county clerk's office of the county in which the change is made. If the proposed route, as indicated by the map, crosses the line of any other railroad, notice of such fact shall, before the construction of the road is commenced near the point of crossing,

be given to the Railroad Commission, who shall give notice to the corporation whose road it is proposed to cross, as well as the other corporation, of the time and place it will meet to consider the question of approving the crossing, if objection be made thereto; and the commission may determine the manner in which the crossing shall be made to protect against accidents thereat. (22 R., 658; 23 R., 273.)

§ 768. Every company shall possess the following powers, and be subject to the following liabilities and restrictions:

First. To cause such examinations and surveys for the proposed railroad to be made as may be necessary to the selection of the most advantageous route for such road; and, for such purposes, by its officers, agents and servants, to enter upon lands or waters of any person, but subject to liability for all damages which they shall do thereto.

Second. To receive, hold, enter upon, and take possession of such voluntary grants and donations of real and other property as shall be made to it, to aid in the construction and maintenance and operation of such road; but the real property thus received shall be held and used for the purposes of such grant or donation only.

Third. To purchase, hold, enter upon, take possession of and use all such real estate, franchise and other property as may be necessary for the construction, maintenance and accommodation of its line of road; but the same shall not be taken or appropriated without the consent of the owner until the compensation to be made therefor is agreed upon or ascertained, and paid or deposited as provided by law.

Fourth. To lay out its road not exceeding one hundred feet in width, and if more than one track is laid, fifty feet additional for each track, and construct the same; and for the purpose of cuttings, or embankments, and procuring stone, gravel or other material, or for the purpose of draining its road-bed, to take, in the manner herein provided, such other lands in the vicinity of or adjacent to its road as may be necessary for the proper construction, operation and security of its road and to change, when it deems proper, the gauge of its road; and may, for the purpose of avoiding annoyance to public travel or dangerous or difficult grades or curves, or unsafe or insecure grounds or foundations, or for other reasonable cause, change

the location or grade of any portion of its road; but shall not, except as otherwise provided, depart from the general route prescribed in the articles of incorporation.

Fifth. To construct its road upon or cross any watercourse, private or plank road, highway, street, lane or alley, and across any railroad or canal; but the corporation shall restore the watercourse, private or plank road, highway, street, lane, alley, railroad, or canal to its former condition, as near as may be, and shall not obstruct the navigation of any stream, or obstruct any public highway or street, by cars of trains, for more than five minutes at any one time; and shall construct suitable road and street crossings for the passage of teams by putting down planks or other suitable material between and on each side of the rails, the top of which shall be at least as high as the top of the rails of such road or street; and in case the road is constructed upon any public street or alley, the same shall be upon such terms and conditions as shall be agreed upon between the corporation and the authorities of any city in which the same may be; but such road shall not be constructed upon any public street or alley until compensation shall be made by the corporation therefor to the owner of the property adjoining such street or alley, and opposite where such road is to be constructed, either by agreement or in the manner provided by law. (22 R., 572; 10 Ky., 628; 18 R., 1088; 20 R., 475; 104 Ky., 186; 20 R., 115; Const., sec. 242.)

§ 769. Any company may build such spurs, switches, tracks or branches as may be necessary to conduct its business or develop business along its line of road, and for that purpose shall have all the powers and be subject to the same restrictions and liabilities as are conferred upon it for the construction of its main line; and may purchase the property and franchises of any other railroad company, at public or private sale, not a competing or parallel line; and may sell its franchises and property to any other company not a competing or parallel line or otherwise prohibited by law to purchase, and may, unless prohibited by law, subscribe to the capital stock of any other railroad company organized under the law of this or any other State, with the assent of such company, and any company organized under the laws of this, or any other State, may, unless prohibited by law, subscribe to the capital stock

of any company organized under this law, with the assent of such company, and may make any agreement or arrangement, not inconsistent with law, with any other railroad company.

§ 770. Any two or more railroad companies organized under this chapter or the laws of this or any other State may, unless otherwise provided by law, consolidate into a single company in the manner provided by article one, of this chapter as amended and such new corporation shall possess all the powers, exemptions, rights and franchises conferred upon such two or more corporations, and be vested with all the property and assets of the constituent corporations, and shall be subject to all the restrictions and liabilities, and perform all the duties imposed by the provisions of their respective charters or laws of organization not inconsistent with this law.

§ 771. Corporations organized under this law shall have power to borrow such sums of money as may be necessary for funding their floating debt, or for completing, equipping or operating their road, or any part thereof, or for paying any debts incurred for such purposes, and to issue and dispose of their bonds or obligations for any amount necessarily borrowed for such purpose, and to mortgage their corporate property and franchises, or any part thereof, to secure the payment of any debt contracted, or to defray any expenditure for the purposes aforesaid; and may confer on any holder of such lands or obligations the right to convert the same into the stock of such company; and may, in the manner provided in article one of this chapter, increase or decrease its capital stock; and the increased stock may be "common" or "preferred," as shall be designated in the call for the meeting of the stockholders. If preferred stock is issued, the company may guarantee to the holders thereof semi-annual or quarterly dividends, to an amount not exceeding six per cent. per annum, payable at its office or at such other places as the directors may designate. The stock may be sold at such time and place, either within or without the State, as may be deemed advisable, and the proceeds thereof applied for the purposes for which it was issued; the unpreferred stock of the company shall be entitled to dividends only out of the surplus of the profits, after setting apart a sum sufficient to pay the dividends upon the preferred stock; and the company which issues such preferred stock shall re-

serve the privilege of redeeming and canceling the same at par at any time after three years from the date of its issue; and the preferred stock herein provided for may be convertible into bonds of the company at the option of the parties.

§ 771A 1. Whenever any company owning or operating a railroad in Kentucky, or any company owning or operating a bridge over a navigable stream constituting a boundary of the State of Kentucky, shall be insolvent and shall come into the hands of any court under proceedings to enforce any mortgage or deed of trust, or for the payment of debts, it shall be lawful for the holders of a majority of any class of securities issued by such company, or any class of creditors of such company, to prepare and submit to such court a plan for the reorganization of the company. Such plan shall provide: First. For the payment of all taxes and assessments due and owing by such company. Second. For the payment of all debts for labor and material and supplies due by said company, and for which a lien shall exist on the property thereof under the law of the State of Kentucky. Third. For the payment of any debt due or the assumption of any debt not due, and for which there shall exist a lien prior and superior to the claim of the class of creditors or security-holders proposing such plan. Fourth. For the issue of new classes of securitie,s which shall be for distribution among the creditors of the holders of the class of securities proposing such plan, and of subordinate and inferior securities or debts, and providing for such distribution. Such plan shall, as far as practicable, regard the relative rights and priorities of the different classes of creditors or security-holders.

2. When any such plan as above provided shall be filed with the court, it shall be the duty of the court to give such notice, by publication or otherwise, as it the (may) order, that a plan of reorganization has been filed in the cause, and that any holder or holders of any securities, or any creditor of such company, shall be entitled to file objections thereto, and shall be entitled to be heard in person or by attorney on the subject thereof; and if, upon the hearing thereof, and upon consideration of such plan the court shall approve the same, or shall approve the same with such alterations and amendments as the court shall adopt, and such plan or scheme so approved

shall receive the assent of the holders of three-fourths of the class of securities proposing the same, and a like proportion of all other classes of creditors subordinate thereto, and the court shall be of opinion that the said plan and scheme of reorganization is fair and equitable, and has made reasonable provision for the holders of all securities of said companies, the court shall adjudge and order that said plan or scheme of reorganization shall be adopted and carried out, and shall make proper provision for the execution thereof.

3. All creditors and persons holding securities of the said company, and not objecting to such plan of reorganization, shall be deemed to have assented thereto, and upon the entry of such order of approval, the court may require from any creditor or person holding any of the securities of said company embraced by the said plan to surrender for discharge or cancellation such outstanding claims or securities, and receive in lieu or on account thereof the new securities provided in such plan. But where claims have arisen or securities have been issued prior to the passage of this act, and any holder of such claims or securities shall object to the plan of reorganization, there shall be inserted in such plan a provision for preserving and maintaining the right of such holder so as not to impair the obligation of his contract.

4. If no such plan be proposed or approved, the court may, within such time as the court may deem proper, order a sale of the property of any such company being so administered, after such notice as shall seem to the court sufficient. At any such sale, or at any sale which shall be hereafter made, of any railroad or bridge under any decree of sale, the purchaser or purchasers shall be required to pay the amount of the bid in cash; Provided, however, That if the property shall be purchased by or in behalf of holders of any class of securities issued by the said company, the purchaser or purchasers shall be required to pay in money or securities, immediately, such amount only as the court may deem sufficient to provide against a non-compliance with the bid; and the purchaser or purchasers shall thereafter be entitled, within such time as may be fixed by the court, to pay the amount of the bid by the payment of such money as may be necessary, and by the surrender of securities in proportion as such securities shall be entitled to re-

ceive the purchase money; and all holders of the same class of securities shall be entitled to have and enjoy equal rights in any such purchasers with other holders of the same class. Such purchaser or purchasers under this latter provision shall, before adopting any article of incorporation, or transferring the property to any corporation formed for the purpose, present and file with the court, in which the decree of sale was entered, a plan of reorganization with substantially the provisions required in the preceding sections, and which shall likewise be subject to the approval of the court; and when the same shall have been so approved, and an order to that effect, and providing for the execution thereof, shall have been entered, the said purchaser or purchasers may adopt articles of incorporation under and in accordance with the laws of the State of Kentucky providing for the incorporation of such companies.

5. The word "securities," as used in this act, shall embrace bonds, debentures, preferred and common stock, and other issues of obligation and certificates of substantially similar character, and the provisions hereof shall apply as far as may be, to proceedings in relation to any separate division, or portion, or branch of any railroad on which are charged any separate issues of securities.

6. Where the property of any such company shall be partly within and partly without this State, the plan of reorganization may make provisions for including the property without the State in such plan, in such manner, as may be consistent with the laws of the State where situated.

SUBDIVISION II. GENERAL PROVISIONS.

§ 772. Any company that has established and maintained throughout the year, for five consecutive years, a passenger station at a point on its road, shall not abandon such station, without the written consent of the railroad commission; and if any station used by the company is burned or otherwise destroyed, or becomes unfit for the accommodation of the public, the Railroad Commission shall notify, in writing, the manager or chief officer in this State of the company owning or using

such station to rebuild or repair the same, as the case may be, and such company shall, within ninety days after such notice, comply with the requirements thereof, and that every company operating a railroad in this State shall provide a convenient, and suitable waiting room and water-closets, or privies, at all depots in cities and towns, and such other stations as the Railroad Commission may require on its lines, and keep and maintain the same in decent order and repair. (97 Ky., 207; 17 R., 116; 20 R., 100; 103 Ky., 605; 20 R., 366; 17 R., 1136; 17 R., 116; 17 R., 1161; 18 R., 483; 107 Ky., 330.)

§ 772A. 1. That all corporations, companies, persons or associations owning and operating a railroad line in this Commonwealth, or any branch of any railroad in this Commonwealth the length of which exceeds five miles, shall be required and they are hereby directed to run at least one passenger train each way on every day of the year, Sundays excepted, over said line; Provided, however, That the operation of a train known as a mixed train on lines carrying passengers and freight for hire, on which both passeners and freight are carried, if operated in accordance with the provisions of this act, shall be deemed a compliance therewith. Provided, further, That the provisions of this act shall not apply to mere coal switches or any switch or branch, which is chartered and used by any corporation, company or person merely for the purpose of carrying freight or coals to their main line or track.

2. That any corporation, association, company or person who shall willfully violate the provisions of this act shall be liable to a forfeiture of the charter of such corporation, company or association, and upon conviction in a court of competent jurisdiction shall be fined not less than three hundred dollars for each offense. And the failure of such corporation, company, association or person to run a train either way on any day during the year, Sunday excepted, shall be considered and treated as separate and distinct offense.

3. The penalties herein announced may be recovered by indictment in the circuit court of any county through which the tracks of such railroad extends, or by information lodged by the county or Commonwealth's attorney or by any ordinary suit for penalties.

4. That it shall be the duty of the judge of the circuit court

of each county through which the line of railroad extends to give in charge to the grand jury, the provisions of this act, at each session of the circuit court held in any county through which the line of such road extends. (23 R., 1986.)

§ 773. Every company shall cause signal boards, well supported by posts or otherwise, at such heights as to be easily seen by travelers, and not obstructing travel, containing on each side, in capital letters at least five inches high, the following inscription: "Railroad Crossing," to be placed and constantly maintained, at each public highway where it is crossed by the railroad at the same level; but such board need not be put up in cities or towns, unless required by the local authorities thereof. (96 Ky., 197; 104 Ky., 35; 16 R., 545; 20 R., 371.)

§ 774. That whenever in the opinion of the Railroad Commission, the public interest require that a gate be erected or maintained, or a flagman be stationed at any street or highway crossing, they shall give the superintendent or manager of the railroad written notice that the same is required, and the company shall, within the time prescribed by the Commission, erect and maintain at such crossing the character of gate directed by the Commission, and keep a man in charge of the same during such hours as they may designate, or keep a flagman at such crossing during such hours as they may require. (21 R., 1803; 22 R., 544; 24 R., 615.)

§ 775. That whenever railroads cross each other in the State, the trains shall be brought to a full stop at least fifty feet before getting to the crossing; Provided, however, That the provision of this act shall not be applicable where the crossings of such roads are regulated by derailing switches, or other safety appliances, which prevent collisions at crossings, nor where a flagman or watchman is stationed at such crossings and signal that the trains may cross in safety. (99 Ky., 175; 18 R., 54; 16 R., 481.)

§ 776. No bridge or passway hereafter constructed over any railroad except in cities having power under their charters to regulate the heights of such bridges or passways, shall be at a height less than twenty-two feet above the tracks of the road, unless by the written authority of the Commission; and whenever there shall be over any railroad a bridge, tunnel or other

obstruction, at a height of less than seven feet above the roof of the freight cars used or hauled on said road, it shall be the duty of the officers of such road to erect and keep in repair, at or near such bridge, tunnel or obstruction, and on each side thereof, a rod or beam placed across the track, at such height and at such distance from the bridge, tunnel or obstruction, as the Railroad Commission shall direct; and from such rod or beam shall be suspended straps, ropes or cords, of such length as the Commission may determine, and not greater than six inches apart, for the space of eight feet, directly over the track.

§ 777. Notice of every accident which may occur and be attended with loss of life shall be given within five days thereafter by the company operating the road on which the accident occurred to the Railroad Commission, and such company shall furnish the Commission all information required by it concerning the cause of the accident.

§ 778. No regular or other passenger train shall be run without an air-brake, or some equally effective appliance for controlling the speed of trains, which may be applied by the engineer to each car composing the train, and which shall, at all times, be kept in good condition and ready for use at the direction of the engineer. The provisions of this section shall not apply to mixed trains.

§ 779. Every company shall require a uniform cap or hat, and distinguishing badges to be worn by all its employes except engineers and firemen, whose duties relate immediately to the transportation of passengers.

§ 780. Before the first day of January, 1894, every company shall adjust, fix or block the frogs on its tracks to prevent the feet of its employes from being caught therein. (21 R., 1342.)

§ 781. All railroad companies doing business in this State, upon lines owned or leased by them, shall, within thirty days, after this act goes into effect, furnish to the Railroad Commissioners copies of all their rates and tariffs then in force; and shall also furnish the Commission with copies of all rates and tariffs, or changes therein, thereafter made, at the date that the same are issued.

§ 782. All companies shall place in, on or around the tops of the chimneys of engines a screen, fender, damper, or other

appliance that will prevent, as far as possible, sparks of fire from escaping from such chimneys. (89 Ky., 638; 92 Ky., 55; 94 Ky., 71; 17 R., 977; 101 Ky., 104.)

§ 783. Every company shall furnish sufficient accommodation for the transportation of all such passengers and property as shall within a reasonable time previous thereto, offer, or be offered, for transportation, at places established by the corporation for receiving and discharging passengers and freight, and shall, when requested, check every parcel of baggage taken for transportation if there is a handle, loop, or fixture so that the same can be attached, and shall give to the person delivering such baggage a check for the same.

§ 784. All companies shall keep their ticket offices open for the sale of tickets at least thirty minutes immediately preceding the departure of all passenger trains from every regular passenger depot from which such trains start, or at which they stop; and when any regular passenger train is delayed for thirty minutes in its arrival at a station which is a telegraph office, it shall cause to have posted, in some conspicuous place in the waiting room for passengers at such station, the fact of and length of time of the delay as soon as the same is ascertained by its agent at such station, and shall keep the waiting room open for passengers until the train arrives; and shall cause to be announced twice within each passenger car of every passenger train, within reasonable time before its arrival at a station at which, from notice given, it is to stop, the name of such station, and at junctions, crossings and points where trains leave at or near the same time in different directions, shall cause to be announced in each passenger car the direction in which such car is to go. (19 R., 1462; 24 R., 693; 102 Ky., 300.)

§ 785. Every company that shall have unclaimed freight not perishable, or unclaimed baggage in its possession, for one year or more, may sell the same at public auction, and out of the proceeds thereof retain the expenses of transportation, storage, advertisement and sale. Notice of such sale shall be given to the consignor and consignee by letter addressed to each of them, respectively, and mailed to the nearest post-office to the place at which the goods were received, and to which they were carried; and notice of such sale shall also be

published for four weeks in some newspaper of general circulation in the State. In case the freight is perishable, it may be sold as soon as it is deemed necessary and proper, and notice of such sale shall be given, if practicable, to the consignor and consignee, as herein directed. A record shall be kept of the articles sold at prices obtained therefor, and the surplus, if any, after payment of charges, shall be paid to the owner of such articles, if demanded, at any time within two years from date of sale.

§ 786. Every company shall provide each locomotive engine passing upon its road with a bell of ordinary size and steam whistle, and such bell shall be rung, or whistle sounded outside of incorporated cities and towns at a distance of at least fifty rods from the place where the road crosses upon the same level of any highway or crossing at which a sign board is required to be maintained and such bell shall be rung or whistle sounded continuously or alternately until the engine has reached such highway crossing and shall give such signals in cities and towns as the legislative authorities thereof may require. (18 R., 610; 19 R., 1345; 20 R., 371; 96 Ky., 197; 104 Ky., 35.)

§ 787. No passenger car on any railroad shall be lighted by naptha or illuminating oil or fluid made in part of naphtha, or any oil or fluid which will ignite at a temperature of less than three hundred degrees Fahrenheit.

§ 790. Every company shall keep its right of way clear and free from weeds, high grass, and decayed timber, which, from their nature and condition, are combustible material, liable to take and communicate fire from passing trains to abutting or adjacent property.

§ 791. Every person now operating, or that may hereafter operate a railroad in this State, under a contract or lease, shall have the same recorded in the office of the Secretary of State and in the county clerk's office of every county in which said road, or part thereof, lies, within thirty days after the contract or lease is executed, or if heretofore made, within thirty days after this law goes into effect. (10 R., 329; 101 Ky., 159.)

§ 792. When two railroad companies use the same line of roadway in the operation of their trains, they shall afford along such roadway reasonable and proper facilities for the

receiving, forwarding and delivering of passengers and property without discrimination in their rates and charges. All contracts made between such companies in so far as the same shall conflict with the provisions of this section are hereby declared to be null and void, and contrary to public policy. The Railroad Commissioners shall enforce the provisions of this section by imposing the same penalties for violations thereof as is provided in section 227 of this act for violations of said section.

§ 793. Any company failing to comply with or violating or permitting any of its employes or agents to violate any of the provisions of sections 772, 773, 774, 775, 777, 778, 780, 781, 782, 786, 787 and 791 of this article, shall, in addition to subjecting itself to any damages that may be caused by such failure or violation, be guilty of a misdemeanor, and be fined for each failure or violation not less than one hundred nor more than five hundred dollars, to be recovered by indictment in the circuit court of any county through which the company in default operates a line of road, or in the Franklin Circuit Court. (18 R., 610; 20 R., 371.)

§ 794. Any person who shall recklessly, wantonly or maliciously throw any stone, stick or club or other missile, at or into, or shoot at or into any engine of any railroad train in this State, or any car attached thereto, on or in which engine or car there may be any passenger or other person, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than one hundred nor more than five hundred dollars, or imprisonment in the county jail not less than six nor more than twelve months. And if any such stone, stick, club or other missile so thrown was calculated to produce death or great bodily harm, and any person or passenger, on or in such engine or car attached thereto, shall be injured or wounded, such person throwing the same shall be deemed guilty of a felony, and be fined in a sum not less than two hundred nor more than five hundred dollars, and imprisoned in the penitentiary not less than one nor more than two years. And should death ensue from such throwing or shooting within one year thereafter, the person guilty of the same, as herein provided, shall be deemed guilty of murder.

§ 805. It shall be unlawful for any person other than pas-

sengers and employes. to get on or off on the outside, or to swing on or hang on from the outside of an engine or car whilst the same is in motion or switching, or immediately preceding its moving or switching. Any person violating the provisions of this section shall be fined not exceeding ten dollars for each offense.

§ 806. If any person whilst riding on a passenger or other train, shall, in the hearing or presence of other passengers, and to their annoyance, use or utter obscene or profane language, or behave in a boisterous or riotous manner, or obtain, or attempt to obtain, money or property from any passenger by any game or device, he shall be fined for each offense not less than twenty-five nor more than one hundred dollars or imprisoned in the county jail not less than ten nor more than fifty days, or both so fined and imprisoned; and it shall be the duty of the conductor in charge of any train upon which there is a person who has violated the provisions of this section, either to put such person off the train, or to give notice of such violation to some peace officer at the first stopping place where any such officer may be.

§ 807. Any person who shall willfully and maliciously tear up, displace, break, or disturb, any rail or other fixture attached to the track or switch of any railroad in operation, or break any bridge or viaduct of such road, or who shall place any obstruction on the track or switch of such road, or do any act whereby an engine or car might be upset, arrested or thrown from the track of such road or switch, or any branch or turnout, shall be confined in the penitentiary not less than one nor more than five years. (98 Ky., 125; 102 Ky., 373; 17 R., 678; 18 R., 16; 19 R., 1396.)

§ 808. Any person who shall, by any of the acts mentioned in the next preceding section, cause the life of any person to be put in immediate peril, or cause any locomotive or car to be actually thrown from the track, shall be confined in the penitentiary not less than two nor more than ten years.

§ 809. If, by the locomotives or cars of any company, cattle shall be killed or injured on the track of said road adjoining the lands belonging to, or in the occupation of the owner of such cattle, who has not received compensation for fencing said land along said road, the loss shall be divided between the railroad

company and the owner of such cattle; but in every case where cattle are killed or injured by the negligence or carelessness of the agents or servants of any company, it shall pay full damages for such killing or injury; and the killing or injury of cattle by the engine or cars of any company shall be *prima facie* evidence of negligence and carelessness on the part of the company, its agents and servants. (89 Ky., 193; 11 R., 393; 85 Ky., 151; 14 Bush, 518; 8 R., 896; 21 R., 749; 22 R., 666; 78 Ky., 621; 98 Ky., 182, 209; 23 R., 2209.)

§ 810. Whenever any cattle may be killed or injured by the cars or locomotive upon any railroad, it shall be lawful for the owner of the cattle so killed or injured, after first giving the nearest station agent of the company operating said railroad written notice of his intention, to apply to a justice of the peace within the district in which said cattle may have been killed or injured; and said justice shall appoint three discreet and disinterested housekeepers of his county a board of appraisers, who after being duly sworn, shall examine the cattle so killed or injured, and affix a value upon the same if killed, or assess the damages to the same if injured, and return to said justice a written report carefully describing the cattle, stating whether they were killed or injured, and also setting out the valuation or assessments of damages made by them; which report said justice shall preserve as a part of the records of his office.

§ 811. If the company shall fail, for sixty days, to pay to the owner of the cattle so killed or injured the full amount assessed by said board of appraisers, and one-half the costs attending the assessment, he shall have the right to institute suit on the original cause of action, and if upon trial, he recovers a verdict for an amount equal to the amount assured in his favor by said board of appraisers, it shall be the duty of the court to render judgment in his favor for the amount of said verdict, and twenty-five per centum in addition thereto; but if the company has offered to pay the award and the owner has refused to accept the same, and he fails to recover a verdict for an amount equal to said assessment, the cost of the action shall be taxed against him. (96 Ky., 613.)

§ 812. The justice of the peace and the three appraisers shall receive for their services, each the sum of one dollar, to

be paid equally by the company and the owner of the stock killed or injured; and if an action is brought against the company, these fees shall be taxed as cost against the unsuccessful party.

§ 813. The provisions of the last three preceding sections shall not apply to any railroad company which shall inclose its entire line of road with a good and lawful fence, and good and sufficient cattle-gaps, and keep the same in repair. (85 Ky., 151; 8 R., 896.)

§ 814. The rolling stock and other movable property belonging to any company in this State shall be considered personal property, and liable to execution and sale in the same manner as the property of individuals; and the earnings, money, and choses in action of any company in the hands of an officer, agent or employe may be subjected to the payment of debts in the same manner as similar property of individuals; and after an execution on a judgment against any company owning or operating any railroad in this State shall be returned by the proper officer no property found, in whole or in part, the plaintiff therein may institute an equitable action against said company in the circuit court of the county in which said judgment was rendered, to place its road and property in the hands of a receiver; and the court, upon a petition showing said return, and the failure to pay said judgment upon the services of summons upon said company shall appoint some suitable person as receiver of said company, and, as such take possession and control of all the road and property belonging to and operated by said company, including all rolling stock thereof. Said receiver shall operate said road until he shall have collected a sum sufficient to pay off the judgment and costs, and the cost of the receivership, when he shall surrender the road and property to the defendant. The receiver shall first pay out of the earnings and receipts of the road collected by him the necessary operating expenses, including in same what shall be necessary to keep said road in such repair that it can be safely and properly operated. The said receiver, before entering upon his duties, shall execute a bond for the faithful performance of his duties, with good and sufficient sureties to be approved by the court.

§ 815. Any person engaged in operating a mine or stone

quarry within three miles of any navigable stream or railroad, may, for the purpose of transporting material to and from such stream or railroad and such mine or quarry construct and operate a line of railroad for such mine or quarry to the most convenient and accessible point on such stream or road, and may, under the general laws, condemn such land as may be necessary, not exceeding fifty feet in width for each track necessarily constructed, and not exceeding two acres of land at such railroad or stream for the purpose of necessary buildings. The owner or operator of such road shall be, so far as they are applicable, governed and controlled by the laws relating to other railroads, and shall have the same rights and privileges granted to corporations owning and operating lines of railroad.

§ 816. If any railroad corporation shall charge, collect or receive more than a just and reasonable rate of toll or compensation for the transportation of passengers or freight in this State, or for the use of any railroad car upon its tracks, or upon any track it has control of, or the right to use, in this State, it shall be guilty of extortion. (35 S. W. Rep., 129.)

§ 817. If any corporation engaged in operating a railroad in this State shall, directly or indirectly, by any special rate, rebate, drawback or other device, charge, demand, collect or receive from any person a greater or less compensation for any service rendered in the transportation of passengers or property than it charges, demands, collects or receives from any other person for doing for him a like and contemporaneous service in the transportation of a like kind of traffic, it shall be deemed guilty of unjust discrimination. (46 S. W. Rep., 702.)

§ 818. It shall be unlawful for any corporation to make or give any undue or unreasonable preference or advantage to any particular person or locality, or any particular description of traffic, in any respect, whatever, in the transportation of a like kind of traffic; or to subject any particular person, company, firm, corporation or locality, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage. When one or more carloads of freight shall be transported at the same time for different persons, and for each shipper a carload or more, such shipment shall be con-

sidered and taken as the same quantity of freight within the meaning of this law; and when less than a carload of freight, and over five thousand pounds, are transported at the same time for different shippers, and for each shipper over five thousand pounds, such shipment shall be considered and taken as the same quantity of freight; and when over five hundred pounds and less than five thousand pounds are transported at the same time for different shippers, and for each shipper said quantity of freight, such shipment shall be considered and taken as the same quantity of freight. (46 S. W. Rep., 700.)

§ 819. Any railroad corporation that shall be guilty of extortion or unjust discrimination, or of giving to any person or locality or to any description of traffic, an undue or unreasonable preference or advantage, shall, upon conviction, be fined for the first offense in any sum not less than five hundred dollars nor more than one thousand dollars; and upon a second conviction, in any sum not less than five hundred dollars nor more than two thousand dollars; and upon a third conviction, in any sum not less than two thousand dollars nor more than five thousand dollars. The circuit court of any county, into or through which the line of railroad may run, owned or operated by the corporation alleged to be guilty as aforesaid, and the Franklin Circuit Court, shall have the jurisdiction of the offense, which shall be prosecuted by indictment, or by action in the name of the Commonwealth, upon information filed by the Board of Railroad Commissioners; and such railroad corporation shall also be liable in damages to the party aggrieved to the amount of damages sustained, together with cost of suit and reasonable attorney's fees to be fixed by the court. Indictments under this section shall be made only upon the recommendation or request of the Railroad Commission filed in the court having jurisdiction of the offense; and all prosecutions and actions under this law shall be commenced within two years after the offense shall have been committed, or the cause of action shall have accrued.

§ 820. If any person owning or operating a railroad in this State, or any common carrier shall charge or receive any greater compensation in the aggregate for the transportation of passengers or property of like kind, under substantially similar circumstances and conditions, for a shorter than for a

longer distance, over the same line, in the same direction, the shorter being included within the longer distance, such person shall, for each offense, be guilty of a misdemeanor, and fined not less than one hundred nor more than five hundred dollars, to be recovered by indictment in the Franklin Circuit Court, or the circuit court of any county into or through which the railroad or common carrier so violating runs or carries on its business. Upon complaint made to the Railroad Commission that any railroad or common carrier has violated the provisions of this section, it shall be the duty of the Commission to investigate the grounds of complaint, and if, after such investigation, the Commission deems it proper to exonerate the railroad or common carrier from the operation of the provisions of this section, an order in writing to that effect shall be made by the Commission, and a copy thereof delivered to the complainant and the railroad or common carrier, and the same shall be published as a part of the report of the Commission; and after such order the railroad or carrier shall not be prosecuted or fined on account of the complaint made. If the Commission, after investigation, fails to exonerate the railroad or carrier from the operation of the provisions of this section, an order in writing to that effect shall be made by the Commission and a copy thereof delivered to the complainant, and the railroad or common carrier, and the same shall be published as a part of the report of the Commission; and after such order it shall be the duty of the Commission to furnish a statement of the facts, together with a copy of its order, to the grand jury of any county, the circuit court of which has jurisdiction, in order that the railroad company or carrier may be indicted for the offense; and the Commission shall use proper efforts to see that such company or carrier is indicted or prosecuted. (51 S. W. Rep., 164, 1012; 22 R., 328, 361, 934; 23 R., 453, 1159, 479; 23 R., 544; 21 R., 232; 104 Ky., 226; 99 Ky., 132; 20 R., 491; 20 R., 1099; 24 R., 1593, 1883.)

§ 820A. 1. When complaint shall be made to the Railroad Commission accusing any railroad company or corporation of charging, collecting or receiving extortionate freight or passenger rates, over its line or lines of railroad in this Commonwealth, or when said Commission shall receive information, or have reason to believe that such rate or rates are being

charged, collected or received, it shall be the duty of said Commission to hear and determine the matter as speedily as possible. They shall give the company or corporation complained of not less than ten days' notice, by letter mailed to an officer or employe of said company or corporation, stating the time and place of the hearing of same; also the nature of the complaint or matter to be investigated, and shall hear such statements, arguments or evidence offered by the parties as the Commission may deem relevant, and should the Commission determine that the company or corporation is, or has been guilty of extortion, said Commission shall make and fix a just and reasonable rate, toll or compensation, which said railroad company or corporation may charge, collect or receive for like services thereafter rendered. The rate, toll or compensation so fixed by the Commission shall be entered and be an order on the record book of their office and signed by the Commission and a copy thereof mailed to an officer, agent or employe of the railroad company or corporation affected thereby, and shall be in full force and effect at the expiration of ten days thereafter, and may be revoked or modified by an order likewise entered of record. And should said railroad company or corporation or any officer, agent or employe thereof, charge, collect or receive a greater or higher rate, toll or compensation for like services thereafter rendered than that made and fixed by said Commission, as herein provided, said company or corporation, and said officer, agent or employe shall each be deemed guilty of extortion, and upon conviction shall be fined for the first offense in any sum not less than five hundred dollars, nor more than one thousand dollars, and upon a second conviction, in any sum not less than one thousand dollars nor more than two thousand dollars, and for a third and succeeding conviction, in any sum not less than two thousand dollars.

§ 2. The circuit court of any county into or through which the line or lines of road carrying such passenger or freight, owned or operated by said railroad, and the Franklin Circuit Court shall have jurisdiction of the offense against the railroad company or corporation offending, and the circuit court of the county where such offense may be committed by said officer,

agent or employe shall have jurisdiction of the offense against the railroad company or employe.

§ 3. Prosecutions under this act shall be by indictment.

§ 4. All prosecutions under this act shall be commenced within two years after the offense shall have been committed.

§ 5. In making said investigation, said Commission may, when deemed necessary, take the depositions of witnesses before an examiner or notary public, whose fee shall be paid by the State, and upon the certificate of the chairman of the Commission, approved by the Governor, the Auditor draw his warrant upon the Treasurer for its payment. (183 U. S., p. 483.)

SUBDIVISION III. RAILROAD COMMISSION.

§ 821. There is established a department in the State government to be known as the Railroad Commission, which shall be composed of three commissioners, one of whom shall act as chairman, and whose duty it shall be to see that the laws relating to all railroads, except street, are faithfully executed, and to exercise a general supervision over the railroads of the State. Each of said commissioners is authorized to administer oaths, and two of them shall constitute a quorum.

§ 822. The office of the Commission shall be at the seat of government, and they shall be provided with suitable offices, furniture and stationery by the State, and may appoint a secretary at a salary of twelve hundred dollars per year, which shall be paid by the State; each commissioner shall, before entering upon the duties of his office, take an oath to discharge faithfully the duties of his office; and they shall each receive an annual salary of two thousand dollars and their actual necessary traveling expenses while engaged in the discharge of their duties, which, together with the salary of the secretary, shall be paid in the same manner as the salary of the Governor, except that before any expenses are paid, the chairman of the Commission shall file with the Auditor an itemized statement of said expenses, signed by him and approved by the Governor, which statement shall be filed before any warrant can be issued therefor.

§ 823. At the regular election in 1895, and every four years

thereafter, there shall be elected one commissioner from each of the districts hereafter designated, by the qualified voters thereof, who shall take his office on the fifth Tuesday next succeeding his election and hold the same for four years, and until his successor is elected and qualified.

§ 824. For the purpose of electing commissioners, the State is divided into three districts, the first composed of the counties of Meade, Hardin, Larue, Hart, Metcalfe, Barren, Monroe, Allen, Simpson, Warren, Edmonson, Grayson, Breckinridge, Hancock, Ohio, Butler, Logan, Todd, Muhlenberg, McLean, Daviess, Henderson, Webster, Hopkins, Christian, Trigg, Caldwell, Lyons, Crittenden, Union, Livingston, Marshall, Calloway, Graves, McCracken, Ballard, Hickman, Fulton and Carlisle. The second composed of the counties of Gallatin, Owen, Scott, Fayette, Jessamine, Pulaski, Wayne, Clinton, Russell, Casey, Lincoln, Garrard, Boyle, Mercer, Anderson, Woodford, Franklin, Henry, Oldham, Carroll, Trimble, Jefferson, Shelby, Spencer, Bullitt, Nelson, Washington, Marion, Taylor, Green, Adair and Cumberland. The third composed of the counties of Boone, Kenton, Grant, Harrison, Bourbon, Clark, Estill, Madison, Jackson, Laurel, Rockcastle, Whitley, Knox, Bell, Harlan, Leslie, Perry, Letcher, Floyd, Pike, Martin, Johnson, Clay, Breathitt, Owsley, Lee, Powell, Montgomery, Bath, Nicholas, Fleming, Robertson, Pendleton, Bracken, Campbell, Lewis, Greenup, Mason, Rowan, Carter, Elliott, Boyd, Lawrence, Morgan, Magoffin, Wolfe, Menifee and Knott.

§ 825. Every railroad company shall, on or before the first day of September in each year, make and transmit to the Commission, at its office in Frankfort, under oath of the president or manager of the company, a full and true statement of the affairs of said company as the same existed on the first day of the preceding July, specifying:

1st. The amount of capital stock paid up, and the names of the owner thereof, and amounts owned by each, and the residence of each stockholder as far as known.

2d. The amount of its assets and liabilities.

3d. The names and places of residence of its general officers.

4th. The amount of cash paid to the company on account of the original capital stock.

5th. The amount of funded debt.

6th. The amount of floating debt.

7th. The estimated value of the road-bed, including iron and bridges.

8th. The estimated value of rolling stock.

9th. The estimated value of stations, buildings and fixtures.

10th. The estimated value of other property.

11th. The length of single maintrack.

12th. The length of double track.

13th. The length of branches; stating length of single and of double track.

14th. The aggregate length of siding and other tracks not above enumerated.

15th. The number of miles run by passenger trains during the year preceding the making of the report.

16th. The number of miles run by freight trains during the same period.

17th. The number of tons of through freight carried, and the number of tons of local freight during the same period.

18th. The monthly earnings for the transportation of passengers during the same time.

19th. The monthly earnings for the transportation of freight during the same time.

20th. The monthly earnings from all other sources respectively.

21st. The amount of expenses in running passenger trains during the same time.

22d. The expenses incurred in running freight trains, and in running mixed trains during the same time.

23d. All other expenses incurred in the management of the road, including the salaries of the officers, which shall be reported separately.

24th. The amount expended for repairs of the road and maintenance of the way, including repairs and renewals of bridges and renewals of iron.

25th. The amount expended for improvements, and whether the same is estimated as a part of the expenses of operating or repairing the road; and if either, which?

26th. The amount expended for motive power cars.

27th. The amount expended for station houses, buildings and fixtures.

28th. All other expenses for maintenance of way.

29th. All other expenses for other purposes.

30th. The number of tons of freight carried one mile.

31st. The amount received per tone per mile.

32d. The average distance each ton was hauled, and the average cost of hauling a ton of freight one mile.

33d. What freight and transportation companies run on its road, and on what terms, and whether such transportation companies use the cars of the railroad company, or cars furnished by themselves.

34th. Whether the freight or cars of such transportation companies are given preference in speed or order of transportation; and if so, in what particular? The Commission may propound any additional interrogatories, which shall be answered by such company in the same manner as those specified in the foregoing section; and the Commission shall furnish to each company in proper time, blanks upon which to answer the foregoing and such other questions as may be propounded.

§ 826. Said Commission shall examine all through freight rates from points out of this State to points into this State, and whenever they find that a through rate charged into or out of this State is excessive or unreasonable, or discriminating in its nature, they shall call the attention of the railroad officials in this State to the fact, and to urge them of the propriety of changing such rates. And when such rates are not changed, it shall be the duty of said Commission to present the facts to the Interstate Commerce Commission and appeal to it for relief, and they shall receive upon application the services of the Attorney General of this State and into the condition, management, and all other matters concerning the business of railroads in this State so far as the same pertain to the relation of such railroads to the public, and whether such railroad corporations, their officers and employes comply with the laws of the State; and whether it shall come to their knowledge, or they shall have reason to believe that the laws affecting railroad corporations in their business relations to the public have been violated, they shall prosecute, or cause to be prosecuted, the corporations or persons guilty of such violations.

§ 827. They shall have the power to examine, under oath, any

person, or the directors, officers, agents and employes of any railroad corporation doing business in this State, concerning the management of its affairs, and to obtain information pursuant to this law; and shall have power to issue subpoenas for the attendance of witnesses, and to administer oaths; and any person who shall neglect or refuse to obey the process of subpoenas issued by said Commission or who being in attendance shall refuse to testify, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished for each offense by a fine of not less than fifty dollars nor more than one hundred dollars, or by imprisonment not less than ten nor more than fifty days, or both, in the discretion of the jury.

§ 828. Each officer, agent or employe failing or refusing to make, under oath, any report required by the Commission within the time required, or failing or refusing to answer fully, under oath if required, any inquiry propounded by the Commission, or who shall, in any way, hinder or obstruct the Commission in the discharge of its duty, shall be guilty of a misdemeanor, and shall be fined for each offense not less than five hundred nor more than one thousand dollars; and it shall be the duty of the Commission to prosecute the person offending: and the Franklin Circuit Court, or the circuit court of any county through which the railroad runs, the officers, agents or employes of which has violated the provisions of this section, shall have jurisdiction of such prosecution, and it shall be the duty of the Commonwealth's attorney to prosecute all indictments, actions and proceedings under this law.

§ 829. The Commission shall hear and determine complaints under sections 223, 224 and 225. Such complaints shall be made in writing, and they shall give the company complained of not less than ten days' notice of the time and place of the hearing of the same. They shall hear and reduce to writing all the evidence adduced by the parties, and render such award as may be proper. If the award of the Commission be not satisfied within ten days after the same is rendered, the chairman shall file a copy of said award, and the evidence heard, in the office of the clerk of the circuit court of the county, which, under the Code of Practice, would have jurisdiction of said controversy, and the clerk of said court shall enter the same on the docket for trial, and summons shall be issued as in other

cases against the party against whom the award shall have been rendered, requiring said party to appear in the court within the time allowed in ordinary cases, and show cause why said award shall not be satisfied. If such party fails to appear, judgment shall be rendered by default, and the same proceedings had thereon as in other ordinary cases. If a trial is demanded, the case shall be tried in all respects as other ordinary cases in which the same amount is involved, except that no evidence shall be introduced by either party except that heard by the Commission, except such as the court shall be satisfied, by sworn testimony, could not have been produced before the Commission by the exercise of reasonable diligence; the judgment and proceedings thereon shall be the same as in other ordinary cases.

§ 830. Whenever, in the judgment of the Commission, after a personal examination of the same, it shall appear that repairs are necessary upon any railroad, or when from complaint made or their own knowledge they shall have reason to believe that the tracks, bridges, tunnels or other structures of any company are in an unsafe or dangerous condition, or unfit for public travel, or that any addition to, improvements or changes in the stations or terminal facilities are needed for the convenience and security of the public, they shall give notice in writing to the company owning or operating such road of the repairs, improvements or changes they deem proper and necessary, and shall afford such corporation an opportunity to be heard in reference thereto, and if the company shall neglect or refuse to make such repairs, improvements or changes within a reasonable time after such hearing, if a hearing is requested by the company, and the Commission shall believe that such improvements or changes are proper and necessary after a hearing, if one is had, they shall lay the facts before the Attorney General for his action, and shall report the same fully to the next Legislature; no examination, request, advice or report of the Commission shall, in any way, affect the duties or obligations of any company, or relieve it from any liability.

§ 831. The Commission shall not be required to give publicity to any contracts, leases or engagements obtained by them in their official capacity, if the interest of any company would

thereby be injuriously affected, unless, in the judgment of the Commission, the public interest requires it.

§ 832. The commissioners, nor either of them, shall, directly or indirectly, solicit or request from or recommend to any railroad company, or any officer, attorney, agent, or employe thereof, the appointment of any person to any place or position, nor shall any company offer them, or either of them, any place or appointment for themselves or other persons, nor shall they, or either of them, directly or indirectly, request, accept or receive any present, gift or gratuity of any kind from any company. A violation of the provisions, or any of them, of this section shall subject the person or corporation so violating to a fine of not less than one thousand nor more than five thousand dollars, to be recovered by indictment as other penalties for violations of law are.

§ 833. For a copy of any record on file in their office they shall charge and receive the same fees that are charged by the Secretary of State for similar services, and shall cover into the State Treasury any amount so received.

§ 834. The Commission shall annually, on the first day of December, make a report to the Governor of all matters relating to their office for the preceding year, and such as will disclose the practical workings of the railroads in this State, and such suggestions in relation thereto, as they may deem necessary and proper, and shall have printed and lay before each Legislature, within the first ten days of its session, five hundred copies of their reports for the preceding two years.

SUBDIVISION IV. CONDEMNATION OF LAND.

§ 835. When any company authorized to construct a railroad shall be unable to contract with the owner of any land or material necessary for its use for the purpose thereof, it shall file, in the office of the clerk of the county court, a particular description of the land and material sought to be condemned, and may apply to the county court to appoint commissioners to assess the damages the owner or owners thereof may be entitled to receive, and thereupon the said court shall appoint

three impartial housekeepers of the county who are owners of land, and who shall be sworn to faithfully and impartially discharge their duties under this law.

§ 836. It shall be the duty of said commissioners to view the land and material, and to award to the owner or owners the value of the land or material taken, which shall be stated separately; and they shall also award the damages, if any, resulting to the adjacent lands of the owner, considering the purposes for which it is taken; but shall deduct from such incidental damages the value, if any, of the advantages and benefits that will accrue to such adjacent lands from the construction and prudent operation of the railroad proposed to be constructed. They shall return a report in writing to the office of the clerk of said court, stating their award, and shall describe, in their report, the land and material condemned, give the names of the owners, and whether non-residents of the State, infants, of unsound mind, or married women. (91 Ky., 487; 13 R., 57; 87 Ky., 267, 391; 94 Ky., 234; 85 Ky., 640; 104 Ky., 29; 21 R., 942, 1023.)

§ 837. Upon the application of said company, and upon filing such affidavits as may be necessary, the clerk of said court shall issue process against the owners to show cause why the said report should not be confirmed, and shall make such orders as to non-residents and persons under disability as are required by the Civil Code of Practice in actions against them in the circuit court.

§ 838. At the first regular term of the county court, after the owners shall have been summoned the length of time prescribed by the Civil Code of Practice before an answer is required, it shall be the duty of the court to examine said report, and if it shall appear to be in conformity to this law, and to the extent that no exceptions have been filed thereto by either party, it shall confirm said report as against the owners not excepting.

§ 839. When exceptions shall be filed by either party, the court shall forthwith cause a jury to be empaneled to try the issues of fact made by the exceptions, and each juror shall be allowed one dollar per day for his services, to be taxed as cost. In assessing the damages the jury shall be governed by the rule prescribed in section 242 of this law; and upon the re-

quest of either party, may be sent by the court, in charge of the sheriff, to view the land or material. If sufficient cause be not shown for setting aside the verdict, the court shall render judgment in conformity thereto, and shall make such orders as may be proper for the conveyance of the title upon the payment of damages assessed. Either party may appeal to the circuit court, by executing bond as required in other cases, within thirty days, and the appeal shall be tried *de novo,* upon the confirmation of the report of the commissioners by the county court, or the assessment of damages by said court as herein provided and the payment to the owners of the amount due, as shown by the report of the commissioners when confirmed, or as shown by the judgment of the county court. When the damages are assessed by said court, and all costs adjudged to the owner, the railroad company shall be entitled to take possession of said land and material, and to use and control the same for the purpose for which it was condemned, as fully as if the title had been conveyed to it. But when an appeal shall be taken from the judgment of the county court by the company, it shall not be entitled to take possession of the land or material condemned until it shall have paid into court the damages assessed and all costs. All money paid into court under the provisions of this law shall be received by the clerk of the court, and held subject to the order of the court, for which he and his sureties on his official bond shall be responsible to the persons entitled thereto. (87 Ky., 267; 92 Ky., 342; 13 R., 603; 24 R., 860.)

§ 840. The appeal from the county court shall be taken by filing with the clerk of the court to which the appeal lies a statement of the parties to the appeal, and a transcript of the orders of the county court, and thereupon the said clerk shall certify to the clerk of the county court that said appeal has been filed and the clerk of the county court shall immediately transfer the original papers to the clerk of the court to which the appeal is pending; and if the owner on his appeal shall fail in the circuit court to increase the amount of damages awarded in the county court he shall pay all the costs of the appeal; if the damages are increased in the circuit court, the other party shall pay all the costs of the appeal. The same rule

as to payment of costs shall apply when the appeal is prosecuted by the party seeking to condemn land. (78 Ky., 309; 80 Ky., 259; 88 Ky., 226; 91 Ky., 487; 13 R., 57.)

§ 841. No company, association or corporation created by, or organized under the laws or authority of any State or country other than this State, shall possess, control, maintain or operate any railway, or part thereof in this State until, by incorporation under the laws of this State, the same shall have become a corporation, citizen and resident of this State. Any such company, association or corporation may, for the purpose of possessing, controlling, maintaining or operating a railway or part thereof in this State, become a corporation, citizen and resident of this State by being incorporated in the manner following, namely: By filing in the office of the Secretary of State, and in the office of the Railroad Commission, a copy of the charter or articles of incorporation of such company, association or corporation, authenticated by its seal and by the attestation of its president and secretary, and thereupon and by virtue thereof, such company, association or corporation shall at once become and be a corporation, citizen and resident of this State. The Secretary of State shall issue to such corporation a certificate of such incorporation. (22 R., 934; 23 R., 784.)

§ 842. Any company, association or corporation that, after the first day of August, one thousand eight hundred and ninety-three, possesses, controls, maintains or operates any railway, or part thereof, in this State, without becoming incorporated as a corporation, citizen and resident of this State, as permitted by section eight hundred and forty-one shall be guilty of a misdemeanor, punishable by a fine of not less than one thousand dollars for each day, or part thereof, that any railway, or part thereof, in this State, is possessed, controlled, maintained or operated by it; any person that in any wise aids or assists, either as officer, agent, servant or employe in so possessing, controlling, maintaining or operating any railway, or part thereof, in this State, shall be guilty of a misdemeanor, punishable by a fine of not less than one hundred dollars for each day or part thereof that he so assists or aids.

§ 842A 1. All interurban electric railroad companies authorized to construct a railroad ten or more miles in length,

heretofore or hereafter incorporated under the general railroad laws of this Commonwealth, shall be under the same duties and responsibilities, so far as practicable, and shall have the same rights, powers and privileges as is now granted to or conferred upon railroad corporations existing, operated or incorporated under existing laws of this Commonwealth, or under laws that may hereafter be enacted.

§ 2. Interurban electric railroads shall not, unless by special contract with electric street railway companies, receive, transport and deliver passengers between points within the limits of cities or municipalities, which are contiguous or adjacent, and into and through which such electric street railways are being operated, while using the tracks of such electric street railways therein.

§ 3. All property of interurban electric railroads, both tangible and intangible, shall be valued and assessed for taxation in the same manner provided by law for the valuation and assessment of other railroad property in this Commonwealth.

§ 4. Any interurban electric railroad company now incorporated, or that may hereafter be incorporated, as prescribed in section one of this act is hereby authorized and empowered to contract with the owner of any land, material or water right, necessary for the construction and equipping and maintaining a reservoir within five miles of the line of railroad or a line of railroad proposed to be constructed or for a supply of water from a lake or river for the use and purpose of providing and maintaining a sufficient supply of water for its power-house or power-houses, and conveying, by a pipe line, the water thereto. When any company authorized to construct interurban electric railroads shall be unable to contract with the owner of any land or material or water rights, necessary for the purpose of constructing, equipping, and maintaining a reservoir to provide a sufficient supply of water; and pipe the same to its power-house or power-houses, it shall have the right to condemn the same, in the same manner in which railroad companies condemn land for rights of way.

§ 5. Nothing in this act shall be construed as depriving companies heretofore organized and which may hereafter be organized and incorporated under the general railroad laws of

this Commonwealth, governing such companies, and which companies, use or intend to use, electricity or other motive power, of the right of condemnation or other rights and privileges which they obtain or may obtain by reason of their incorporating under the general railroad laws of this Commonwealth.

§ 6. Any person who shall willfully and maliciously tear up, break or displace any rail or other fixture attached to the track or switch or break any bridge or viaduct, or disturb trolley wires or their support or poles and guy-poles and guy-wires or feed or supply-wires, power-house or machinery therein, car-barns, or cars therein, owned and used by any inter-urban electric railroad company, or do any act whereby the motor or cars might be upset, arrested or thrown from the track of any such road, or of any switch or any branch or turn-out, or who shall willfully and maliciously destroy, or injure any dam, reservoir or bank thereof, or shall destroy, injure or obstruct any pipe, water-main or course connected with such reservoir, shall be confined in the penitentiary not less than two nor more than ten years.

TAXATION OF FRANCHISE.

§ 4077. Every railway company or corporation, and every incorporated bank, trust company, guarantee or security company, gas company, water company, ferry company, bridge company, street railway company, express company, electric light company, electric power company, telegraph company, press dispatch company, telephone company, turnpike company, palace-car company, dining-car company, sleeping-car company, chair-car company, and every other like company, corporation or association, also every other corporation, company or association having or exercising any special or exclusive privilege or franchise not allowed by law to natural persons, or performing any public service, shall, in addition to the other taxes imposed on it by law, annually pay a tax on its franchise to the State, and a local tax thereon to the county, incorporated city, town and taxing district, where its franchise may be exercised. The Auditor, Treasurer and Secretary of State are hereby constituted a Board of Valuation and Assessment, for fixing the value of said franchise, except as to turnpike companies, which are provided for in section four thousand and ninety-five of this article, the place or places where such local taxes are to be paid by other corporations on their franchise and how apportioned, where more than one jurisdiction is entitled to a share of such tax, shall be determined by the Board of Valuation and Assessment, and for the discharge of such other duties as may be imposed on them by this act. The Auditor shall be chairman of said board, and shall convene the same from time to time, as the business of the board may require. (141 U. S. 47; 92 Ky., 38; 9 R., 670; 99 Ky., 623; 105 Ky., 472; 20 R., 1294; 22 R., 703; 141 U. S., 47; 92 Ky., 38; 99 Ky., 623; 22 R., 390; Id., 214; 106 Ky., 434; 21 R., 42; 24 R., 203, 809.)

§ 4078. In order to determine the value of the franchises mentioned in the next preceding section, the corporations, com-

panies and associations mentioned in the next preceding section, except banks and trust companies whose statements shall be filed as hereinafter required by section four thousand and ninety-two of this article, shall annually, between the fifteenth day of September and first day of October, make and deliver to the Auditor of Public Accounts of this State a statement, verified by its president, cashier, secretary, treasurer, manager, or other chief officer or agent, in such form as the Auditor may prescribe, showing the following facts, viz.: The name and principal place of business of the corporation, company or association; the kind of business engaged in; the amount of capital stock, preferred and common; the number of shares of each; the amount of stock paid up; the par and real value thereof; the highest price at which such stock was sold at a *bona fide* sale within twelve months next before the fifteenth day of September of the year in which the statement is required to be made; the amount of surplus fund and undivided profits, and the value of all other assets; the total amount of indebtedness as principal, the amount of gross or net earnings or income, including interest on investments, and incomes from all other sources for twelve months next preceding the fifteenth day of September of the year in which the statement is required; the amount and kind of tangible property in this State, and where situated, assessed, or liable to assessment in this State, and the fair cash value thereof, estimated at the price it would bring at a fair voluntary sale, and such other facts as the Auditor may require.

§ 4079. Where the line or lines of any such corporation, company or association extend beyond the limits of the State or county, the statement shall, in addition to the other facts hereinbefore required, show the length of the entire lines operated, owned, leased or controlled in this State, and in each county, incorporated city, town or taxing district, and the entire line operated, controlled, leased or owned elsewhere. If the corporation, company or association be organized under the laws of any other State or government, or organized and incorporated in this State, but operating and conducting its business in other States as well as in this State, the statement shall show the following facts, in addition to the facts hereinbefore required. The gross and net income and earnings re-

ceived in this State and out of this State, on business done in this State, and the entire gross receipts of the corporation, company or association in this State and elsewhere during the twelve months next before the fifteenth day of September, of the year in which the assessment is required to be made. In cases where any of the facts above required are impossible to be answered correctly, or will not afford any valuable information in determining the value of the franchises to be taxed, the said board may excuse the officer from answering such questions: Provided, That said board, from said statement, and from such other evidence, as it may have, if such corporation, company or association be organized under the laws of this State, shall fix the value of the capital stock of the corporation, company or association, as provided in the next succeeding section, and from the amount thus fixed shall deduct the assessed value of all tangible property assessed in this State, or in the counties where situated. The remainder thus found shall be the value of its corporate franchise subject to taxation as aforesaid. (104 Ky., 726; 20 R., 927.)

§ 4080. If the corporation, company or association be organized under the laws of any other State or government, except as provided in the next section, the board shall fix the value of the capital stock as hereinbefore provided, and will determine from the amount of the gross receipts of such corporation, company or association in this State and elsewhere, the proportion which the gross receipts in this State, within twelve months next before the fifteenth day of September of the year in which the assessment was made, bear to the entire gross receipts of the company; the same proportion of the value of the entire property assessed, or liable to assessment, in this State, shall be the correct value of the corporate franchise of such corporation, company or association for taxation in this State.

§ 4081. If the corporation organized under the laws of this State or of some other State or government be a railroad, telegraph, telephone, express, sleeping, dining, palace or chair-car company, the lines of which extend beyond the limits of this State, the said board will fix the value of the capital stock as hereinbefore provided, and that proportion of the value of

the capital stock which the length of the lines operated, owned, leased or controlled in this State bears to the total length of the lines owned, leased or controlled in this State and elsewhere shall be considered in fixing the value of the corporate franchise of such corporation liable for taxation in this State; and such corporate franchise shall be liable to taxation in each county, incorporated city, town or district through or into which such lines pass, or are operated, in the same proportion that the length of the line in such county, city, town or district through or into which such lines pass, or are operated, in the same proportion that the length of the line in such county, city, town or district bears to the whole length of lines in the State, less the value of any tangible property assessed, or liable to assessment in any such county, city, town or taxing district. (24 R., 203.)

§ 4083. It shall be the duty of the auditor immediately after fixing such values by said board, to notify the corporation of the fact; and all such corporations shall have thirty days from the time of receiving the notice to go before such board and ask a change of the valuation, and may introduce evidence, and the chairman of the board is hereby authorized to summon and swear witnesses, and after hearing such evidence the board may change the valuation as it may deem proper, and the action of the board shall be final.

§ 4084. The auditor shall, at the expiration of thirty days after the final determination of such values, certify to the county clerk of the counties, when any portion of the corporate franchise of any such corporation, company or association shall be liable to local taxation as herein provided, the amount thereof liable for county, city, town or district tax; and such certificate shall be by each county clerk filed in his office, and be by him certified to the proper collecting officer of the county, city town or taxing district for collection.

§ 4087. Any corporation, or officer thereof, willfully failing or refusing to make reports as required by this chapter, shall be deemed guilty of a misdemeanor, and for each offense shall be fined one thousand dollars, and fifty dollars for each day the same is not made after October first of each year.

§ 4089. Should any corporation required to make the report as hereinbefore provided be in the hands of, or under the

control of a receiver or other person, it shall be the duty of such receiver or other person to make the returns and valuations as hereinbefore required.

§ 4090. Should any corporation fail to make the reports as required herein on or before the first day of October of each year, the said board shall proceed to ascertain the facts and values as required by this article, in such manner and by such means as it deems proper, at the cost of the company failing to make the report, and shall fix the values of the corporate franchise liable for taxation as aforesaid, and the corporation shall be taxed accordingly.

§ 4091. All taxes assessed against any corporation, company or association under this article, except banks and trust companies, shall be due and payable thirty days after notice of same has been given to said corporation, company or association by the auditor; and every such corporation, company or association failing to pay its taxes, after receiving thirty days' notice, shall be deemed delinquent, and a penalty of ten per cent. on the amount of the tax shall attach, and thereafter such tax shall bear interest at the rate of ten per cent. per annum; any such corporation, company or association failing to pay its taxes, penalty and interest, after becoming delinquent, shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined fifty dollars for each day the same remains unpaid, to be recovered by indictment or civil action of which the Franklin Circuit Court shall have jurisdiction.

CHAPTER 103.

ARTICLE IV.

Assessment of and Payment of Taxes by Railroads.

§ 4096. That the president or chief officer of each railroad company, or other corporation owning or operating a railroad lying in whole or in part in this State, shall, on or before the first of September in each year, return to the Auditor of Public Accounts of the State, under oath, the total length of such railroad, including the length thereof beyond the limits of the State, and designating its length within this State, and in each county, city, incorporated town and taxing district therein, together with the average value per mile thereof, and in respective counties, cities, incorporated towns and taxing districts therein together with the average value per mile thereof, for the purposes of being operated as a carrier of freight and passengers, including engines and cars, and a list of the depot grounds and improvements, and other real estate of the said company and the value thereof, and the respective counties, cities and incorporated towns in which the same are located. That if any of said railroad companies owns or operates a railroad or railroads out of this State, the president or chief officer of such company shall only be required to return such proportion of the entire value of all its rolling stock as the number of miles of its railroad in this State bears to the whole number of miles operated by said company in and out of this State.. Said report shall be made as of the first day of July, and a failure to file said report by the first day of September shall subject the president or chief officer residing in this State to a fine of one thousand dollars, and fifty dollars for every day after the first day of September that he fails to file said report, to be recovered as indicated by section nine of this article. (81 Ky., 492; 5 R., 445; 84 R., 59; 7 R., 810; 14 Bush, 425; 85 Ky., 198; 8 R., 840; 87 Ky., 605; 10 R., 806;

89 Ky., 531; 11 R., 734; 95 Ky., 60; 15 R., 449; 87 Ky., 661; 10 R., 706; 17 R., 136.)

§ 4097. Should any railroad, or part of a line of railroad, in this State, be in the hands or under the control of a receiver or other person, by order or decree of any court in this or any other State, it shall be the duty of such receiver or other person to make, under his oath, the returns and valuations required by the first section of this article; and should the president or chief officer of any railroad company, or such receiver, fail to make said returns and valuations on or before the first day of September in each year, the said auditor shall proceed and ascertain the facts and values required by this article to be returned, and in such manner and by such means as he may deem best, and at the cost of the company failing to make the returns and values.

§4098. The auditor shall lay before the Railroad Commission, on or before the first day of October, the returns made to him under this act, and any schedules and valuations he may have made under the second section of this article. And should the valuations, or any of them in the judgment of said board, be either too high or too low, they shall correct and equalize the same by a proper increase or decrease thereof. Said board shall keep a record of their proceedings, to be signed by each member present at any meeting; and the said board is hereby authorized to examine the books and property of any railroad company to ascertain the value of its property, or to have them examined by any suitable disinterested person, to be appointed by them for that purpose.

§ 4099. It shall be the duty of the county superintendent of common schools in each county in which a railroad is operated to furnish, on or before the first day of July of each year, to such railroad company or companies, the boundary of each graded or common school district through or into which any part of such railroad or other railroad property is situated; and the county clerk of any county containing any other taxing district through or into which any railroad is located shall make a similar report to such railroad company. Any county superintendent or county clerk failing to make the report, as herein required, or shall make a false report, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined

not less than fifty nor more than one hundred dollar for each offense. (21 R., 418.)

§ 4100. All taxes against any railroad company, which shall be levied in any common school district, shall be paid to the superintendent of common schools of the county for the benefit of the district entitled thereto.

§ 4101. The provisions of this law shall not be construed to apply to any colored school district; Provided, That the same rate of taxation assessed against the real estate of any railroad company or corporation in any graded common school district or common school district, in any year, shall be assessed against all of the taxable property in such district; and the railroad tax, when collected, shall be paid over to the county superintendent of the county in which the district schoolhouse wherein the tax assessed shall be situated, and shall constitute and be held by the county superintendent as a graded or common school district fund; and the said fund shall be apportioned and distributed by the county superintendent between the white graded common school or white common school district wherein said tax shall be collected and any colored common school district which shall be located over the same boundary. The distribution shall be in the ratio that the whole number of white children of pupil age and the whole number of colored children of pupil age residing in the district shall bear to the whole number of children, white and colored, residing in the district wherein such tax shall be collected. (18 R., 103; 105 Ky., 675; 20 R., 1487; 23 R., 1271; 24 R., 1420.)

§ 4102. The same rate of taxation for State purposes which is or may be in any year levied on other real estate, shall be, and is hereby, levied upon the value, so found by said board, of the railroad, rolling stock and the real estate of each company; and the same rate of taxation for the purpose of each city, town, county, part of a county, or tax district of any kind, in which any portion of any railroad is located, which is, or may be, in any year, levied on other real estate therein, shall be, and is hereby, levied on the value of the real estate of said company therein, and of the number of miles of such road therein reckoned as of the value of the average of each mile of such railroad, with its rolling stock, as ascertained

as aforesaid: Provided, That railroad bridges spanning any river, which constitutes the boundary or State line of the Commonwealth, shall be assesses as of the counties in which they are located, and local tax derived therefrom shall be applied to each city, town, county or tax district in which said bridges are or may be located; and immediately after the said board shall have completed its valuations each year, the Auditor of Public Accounts shall notify the clerk of each county court of the amount so assessed for taxatien in his county, and each railroad company of the amount of its assessment for taxation for the State purposes and for the purposes of such city, town, county, or part of county and tax district. And all existing laws in this State authorizing the assessment and taxation of the property of railroad companies by counties, cities or incorporated towns, are hereby repealed, and no county, city or incorporated town in this State shall hereafter assess, levy or collect any taxes on the property of railroad companies in this State except as provided by this article. (90 Ky., 498; 12 R., 414; 99 Ky., 623; 17 R., 389; 23 R., 1655.)

§ 4103. All taxes assessed against any railroad company shall be due and payable thirty days after notice by mail of the assessment is given by the auditor, and every such company failing to pay its taxes after receiving such thirty days' notice of the amount of such tax shall be deemed delinquent, and a penalty of ten per cent. on the amount of the tax shall attach, and thereafter such tax shall bear interest at the rate of ten per cent. per annum. Any railroad company failing to pay its taxes, penalty and interest, after becoming delinquents, shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined fifty dollars for each day the same remains unpaid, to be recovered by indictment or civil action, of which the Franklin Circuit Court shall have jurisdiction.

§ 4104. Taxes, penalties and interest due the Commonwealth from any railroad company may be recovered by the Auditor of Public Accounts, by action in the name of the Commonwealth, in the Franklin Circuit Court; and those due any county, city, incorporated town or taxing district may be recovered by the officer authorized to receive the same, by action in the name of the Commonwealth in any court of competent jurisdiction.

AN ACT relating to the assessment of railway bridges.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the tangible property of all railroad bridge companies owning or operating a bridge spanning a river constituting the boundary of this State shall be valued and assessed for taxation for all purposes by the Railroad Commission instead of by the local assessors; and the franchise of said bridge companies shall be assessed for all purposes by the State Board of Valuation and Assessment; and said assessments shall be reported to the Auditor of Public Accounts who shall certify the same to the county clerk of the county wherein the bridge is located in the same manner and the tax shall be collected in all respects as now provided by law for railroad property, and after the assessment has been certified to the county court clerk, his duties and the duties of the sheriff and the collector of city taxes and other local tax collectors shall be the same as now provided by law with reference to railroad property.

§ 2. This law shall not be construed as otherwise changing the present mode of taxing bridge property.

All acts and parts of acts in conflict with this act are hereby repealed.

Approved March 19, 1904.

To avoid fine, this book should be returned on
or before the date last stamped below